By Mr. OLSEN:

H.R. 19179. A bill to adjust the pay of employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROSTENKOWSKI:

H.R. 19180. A bill to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes; to the Committee on Banking and Currency.

By Mr. UDALL:

H.R. 19181. A bill to retain coverage under the laws providing employee benefits, such as compensation for injury, retirement, life insurance, and health benefits for employees of the Government of the United States who transfer to Indian tribal organizations to perform services in connection with governmental or other activities which are or have been performed by Government employees in or for Indian communities, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PATMAN:

H.J. Res. 1366. Joint resolution to provide for the temporary extension of the Federal Housing Administration's insurance authority; to the Committee on Banking and Currency.

By Mr. ROE:

H.J. Res. 1367. Joint resolution authorizing the President to proclaim National Good Grooming Week from November 16, 1970, to November 22, 1970; to the Committee on the Judiciary.

By Mr. HARVEY:

H. Con. Res. 730. Concurrent resolution urging the Congress to assemble in the Hall of the House for the purpose of expressing its grave concern about the mistreatment of United States and Allied prisoners of war by North Vietnamese and other Communist forces; to the Committee on Rules.

By Mr. BROTZMAN (for himself, Mr. CLEVELAND, Mr. ICHORD, Mr. FARBSTEIN, and Mr. HOWARD):

H. Res. 1208. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

Br. Mr. GOODLING:

H.R. 19182. A bill for the relief of Stephen C. Yednock; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 19183. A bill for the relief of Mrs. Wallace S. Anderson; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 19184. A bill for the relief of Servillano C. Espi; to the Committee on the Judiciary.

By Mr. RHODES:

H.R. 19185. A bill for the relief or Alispa Rosita Bradley; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 19186. A bill for the relief of Jose de Jesus Ornelas-Valdez and Celia Villafana de Ornelas; to the Committee on the Judiciary.

By Mr. STAFFORD:

H.R. 19187. A bill for the relief of Lloyd B. Earle; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

587. By the SPEAKER: Petition of James R. Johnston, et al., Huron County, Mich., relative to the treatment of Americans who are prisoners of war or missing in action in Southeast Asia; to the Committee on Foreign Affairs.

588. Also, petition of the Board of Selectmen, Brookline, Mass., relative to the hijacking of airplanes; to the Committee on Foreign Affairs.

589. Also, petition of the City Council, Elizabeth, N.J., relative to the hijacking of airplanes; to the Committee on Interstate and Foreign Commerce.

590. Also, petition of Jayleen Tjoelker, Blair, Wash., et al., relative to appointments to the U.S. Supreme Court and other Federal benches; to the Committee on Judiciary.

591. Also, petition of William R. Wendt, Springfield, Mo., relative to redress of grievances; to the Committee on the Judiciary.

SENATE—*Monday, September 14, 1970*

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

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

Almighty God, our help in ages past, our present strength, and our hope for years to come, whose ear is open to those of humble and contrite heart, hear us in our morning prayer. If we are low in spirit, lift us up. If we are lofty in pride, make us submissive in mind. If we feel feeble in intellect, strengthen us by Thy higher wisdom. If we feel impotent in will, brace us with moral courage and personal righteousness.

Come to us in our individual needs. Come to us in our national needs.

Grant us here a vision of a world that is not yet, but ought to be, and in loyal devotion to its appearing, help us to find joy and peace.

In the coming week grant us Thy help in all our duties and keep us ever faithful to our high calling as servants of all the people.

We pray in the name of the Lord of Life. Amen.

CALL OF THE ROLL

The ACTING PRESIDENT pro tempore (Mr. METCALF). Because the Senate adjourned on Friday, September 11, 1970, without a quorum, the first order of business is to obtain a quorum.

The Chair directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 291 Leg.]

Aiken	Fong	Nelson
Allen	Fulbright	Packwood
Allott	Gravel	Pell
Anderson	Griffin	Proxmire
Bennett	Gurney	Ribicoff
Bible	Hansen	Russell
Burdick	Harris	Saxbe
Byrd, Va.	Hart	Schweiker
Byrd, W. Va.	Holland	Scott
Case	Hollings	Smith, Maine
Church	Hughes	Sparkman
Cook	Inouye	Spong
Cooper	Javits	Stennis
Cranston	Long	Stevens
Dole	Mansfield	Talmadge
Dominick	McCarthy	Thurmond
Eagleton	McClellan	Williams, Del.
Eastland	McGovern	Yarborough
Ellender	Metcalf	Young, N. Dak.
Ervin	Mondale	Young, Ohio
Fannin	Muskie	

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), the Senator from New York (Mr. GOODELL), the Senator from Oregon (Mr. HATFIELD), the Senator from Arizona (Mr. GOLDWATER), the Senator from Idaho (Mr. JORDAN), the Senator from Iowa (Mr. MILLER), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. PROUTY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Nebraska (Mr. CURTIS) is absent because of death in his family.

The Senator from Nebraska (Mr. HRUSKA) is absent to attend the funeral of a friend.

The Senator from Maryland (Mr. MATHIAS) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Illinois (Mr. SMITH) is detained on official business.

The ACTING PRESIDENT pro tempore. A quorum is present. The clerk will proceed to call the roll again on Mr. DOMINICK's amendment No. 886 to S. 3418.

The assistant legislative clerk called the roll.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. PASTORE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

On this vote, the Senator from New Jersey (Mr. WILLIAMS) is paired with the Senator from New Hampshire (Mr. MCINTYRE).

If present and voting, the Senator from New Jersey would vote "nay" and the Senator from New Hampshire would vote "yea."

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from Rhode Island (Mr. PASTORE), and the Senator from West Virginia (Mr. RANDOLPH) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), the Senator from New York (Mr. GOODELL), the Senator from Oregon (Mr. HATFIELD), the Senator from Arizona (Mr. GOLDWATER), the Senator from Idaho (Mr. JORDAN), the Senator from Iowa (Mr. MILLER), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. PROUTY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Nebraska (Mr. CURTIS) is absent because of death in his family.

The Senator from Nebraska (Mr. HRUSKA) is absent to attend the funeral of a friend.

The Senator from Maryland (Mr. MATHIAS) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Illinois (Mr. SMITH) is detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Nebraska (Mr. CURTIS), the Senator from Nebraska (Mr. HRUSKA), the Senator from Idaho (Mr. JORDAN), the Senator from Iowa (Mr. MILLER), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), and the Senator from Texas (Mr. TOWER) would each vote "yea."

On this vote, the Senator from Vermont (Mr. PROUTY) is paired with the Senator from Illinois (Mr. PERCY). If present and voting, the Senator from Vermont would vote "yea" and the Senator from Illinois would vote "nay."

On this vote, the Senator from Illinois (Mr. SMITH) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from Illinois would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 22, nays 40, as follows:

[No. 292 Leg.]

YEAS—22

Aiken	Dominick	Smith, Maine
Allott	Fannin	Stevens
Bennett	Fong	Talmadge
Byrd, Va.	Griffin	Thurmond
Case	Gurney	Williams, Del.
Cook	Hansen	Young, N. Dak.
Cooper	Nelson	
Dole	Saxbe	

NAYS—40

Allen	Hart	Packwood
Anderson	Holland	Pell
Bible	Hollings	Proxmire
Burdick	Hughes	Ribicoff
Byrd, W. Va.	Inouye	Russell
Church	Javits	Schweiker
Cranston	Long	Scott
Eagleton	Mansfield	Sparkman
Eastland	McCarthy	Spong
Ellender	McClellan	Stennis
Ervin	McGovern	Yarborough
Fulbright	Metcalf	Young, Ohio
Gravel	Mondale	
Harris	Muskie	

NOT VOTING—38

Baker	Hatfield	Mundt
Bayh	Hruska	Murphy
Bellmon	Jackson	Pastore
Boggs	Jordan, N.C.	Pearson
Brooke	Jordan, Idaho	Percy
Cannon	Kennedy	Prouty
Cotton	Magnuson	Randolph
Curtis	Mathias	Smith, Ill.
Dodd	McGee	Symington
Goldwater	McIntyre	Tower
Goodell	Miller	Tydings
Gore	Montoya	Williams, N.J.
Hartke	Moss	

So Mr. DOMINICK's amendment (No. 886) was rejected.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, September 11, 1970, be dispensed with.

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

WAIVER OF CALL OF CALENDAR UNDER RULE VIII

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

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

PUBLIC HEALTH SERVICE ACT AMENDMENT—UNANIMOUS CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, and especially of the distinguished Senator from Kansas (Mr. DOLE), who I understand will offer an amendment, I ask unanimous consent that on the amendment to be offered by the distinguished Senator from Kansas there be a time limitation of 10 minutes, the time to be equally divided between the sponsor of the amendment and the manager of the bill.

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

Mr. MANSFIELD. Mr. President, I ask further unanimous consent that on the bill there be a time limitation of 20 minutes, the time to be equally divided between the manager of the bill, the distinguished Senator from Texas (Mr. YARBOROUGH), and the minority leader or whomever he may designate to take care of the members of the committee on that side.

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

ORDER FOR RECOGNITION OF SENATOR PROXMIRE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following disposition of S. 3418 the distinguished Senator from Wisconsin (Mr. PROXMIRE), who already has been previously accorded an order, be recognized for the allowable 20 minutes.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the remarks of the Senator from Wisconsin there be a period for the transaction of routine morning business, with a limitation of 3 minutes on statements made therein.

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

Mr. MANSFIELD. Following that, the Senate automatically returns to the consideration of Senate Joint Resolution 1.

PUBLIC HEALTH SERVICE ACT AMENDMENTS

The ACTING PRESIDENT pro tempore. Without objection, the Senate will proceed to the consideration of S. 3418, which will be stated by title.

The bill (S. 3418) was read by title, as follows:

S. 3418 to amend the Public Health Service Act to provide for the making of

grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine.

The Senate resumed the consideration of the bill.

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment of the Senator from Kansas will be stated.

Mr. DOLE. Mr. President, I ask unanimous consent to dispense with the reading of the amendment, and ask unanimous consent that it be printed in the RECORD at this point.

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

The amendment is as follows:

At the end of the bill, add the following:

TITLE III—NATIONAL INFORMATION AND RESOURCE CENTER FOR THE HANDICAPPED

SEC. 301. (a)(1) There is hereby established, within the Department of Health, Education, and Welfare, a National Information and Resource Center for the Handicapped (hereinafter referred to as the "Center").

(2) The Center shall have a Director and such other personnel as may be necessary to enable the Center to carry out its duties and functions under this section.

(b) (1) It shall be the duty and function of the Center to collect, review, organize, publish, and disseminate (through publications, conferences, workshops or technical consultation) information and data related to the particular problems caused by handicapping conditions, including information describing measures which are or may be employed for meeting or overcoming such problems, with a view to assisting individuals who are handicapped, and organizations and persons interested in the welfare of the handicapped, in meeting problems which are peculiar to, or are made more difficult for, individuals who are handicapped.

(2) The information and data with respect to which the Center shall carry out its duties and functions under paragraph (1) shall include (but not be limited to) information and data with respect to the following—

(A) medical and rehabilitation facilities and services;

(B) day care and other programs for young children;

(C) education;

(D) vocational training;

(E) employment;

(F) transportation;

(G) architecture and housing (including household appliances and equipment);

(H) recreation; and

(I) public or private programs established for, or which may be used in, solving problems of the handicapped.

(c) (1) The Secretary shall make available to the Center all information and data, within the Department of Health, Education, and Welfare, which may be useful in carrying out the duties and functions of the Center.

(2) Each other Department or agency of the Federal Government is authorized to make available to the Secretary, for use by the Center, any information or data which the Secretary may request for such use.

(3) The Secretary of Health, Education, and Welfare shall to the maximum extent feasible enter into arrangements whereby State and other public and private agencies and institutions having information or data which is useful to the Center in carrying out its duties and functions will make such information and data available for use by the Center.

(d) There is authorized to be appropriated for carrying out the purposes of this section for the fiscal year ending June 30, 1971, the sum of $300,000, and for each fiscal year thereafter such sums as may be necessary.

Mr. DOLE. Mr. President, I may say at the outset that I shall take only a moment or two.

Let me state what the amendment does, and then perhaps we can discuss it.

My amendment would establish within the Department of Health, Education, and Welfare a national information and resource center for the handicapped. It would authorize the expenditure of $300,000 for the first year ending June 30, 1971.

On many occasions I have commented on the severe difficulties and problems confronted by this Nation's handicapped citizens. A significant problem is that of information.

Greater availability and coordination of knowledge is essential to achieving meaningful solutions and progress for the disabled. Too often, information is incomplete, unavailable, or inaccessible. Too frequently, the person in immediate need does not know where to go to obtain information.

A tremendous number of resources, public and private, are available to help meet the needs of these millions of handicapped persons. The many services presently provided by the Federal Government in conjunction with the States in financial assistance, rehabilitation, research, education, and training have assisted millions of disabled Americans to live as normal and productive lives as possible.

The great voluntary agencies, the private economy, and the resources of many dedicated people have combined to greatly improve the quality of life for the handicapped.

In this framework of available resources for our disabled citizens, we must be sure that our efforts and money are most effectively used to fill their needs. It is the purpose of this amendment to insure that all the knowledge and information regarding services be consolidated and made available to the handicapped person in the form he can best use and when he most needs it. Presently, no one source exists. There is a lack of coordination and centrally available information.

The knowledge about resources, research findings, technical assistance, reports, and information about what other governmental units, communities, business and colleges have done to accommodate handicapped people is diffused and completely lacking in centralization and coordination. It is hoped that a national information and resource center for the handicapped will provide this most necessary point of contact to individual citizens, families of the handicapped, the handicapped themselves, as well as private organizations, professional organizations, city and state officials who desire information or direction. The creation of this center will fill a great void. It is an answer to a specific and well-defined need, and it will meet this need at a reasonable cost.

The estimated 42 million Americans belonging to the handicapped minority will benefit greatly from the services provided by this center. The country as a whole will benefit from the increased contribution, well-being and fulfillment of the handicapped.

This field is truly without partisanship. The establishment of a national center to better disseminate and coordinate available information can do much to alleviate problems and promote productive lives for the handicapped.

A list of organizations supporting the need for a national information and resource center for the handicapped include:

1. United Cerebral Palsy Association, Inc.
2. American Rehabilitalton Counseling Association.
3. American Speech and Hearing Association.
3. Goodwill Industries of America, Inc.
5. National Rehabilitation Counseling Association.
6. American Nursing Home Association.
7. Easter Seal Society of Crippled Children and Adults.
8. The Library of Congress, Division for the Blind and Physically Handicapped.
9. National Institutes on Rehabilitation and Health Services.
10. National Rehabilitation Association, Inc.

A list of several Kansas organizations supporting such a national center follows:

1. Kansas Association for Retarded Children, Inc.
2. Kansas Association for Mental Health, Inc.
3. Kansas Heart Association, Inc.
4. Deaf and Hard of Hearing Counseling Service, Inc.

Mr. President, there have been no hearings on the amendment. It has been discussed, however, with the senior Senator from New York (Mr. JAVITS) and with the Senator from Texas (Mr. YARBOROUGH).

I hope that if my amendment is not accepted, as I hope it will be, at least we can agree to have subcommittee hearings on the proposal.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. YARBOROUGH. Mr. President, I yield myself one-half minute, and then I shall ask for a quorum call.

Mr. President, this amendment was introduced as Senate bill 4002 on June 23, 1970. We have not had hearings because we have not yet received the requested report from HEW as to their means of the bill. They have informally told us that they are spending more money now each year for these purposes than the $300,000 which is authorized in S. 4002.

I suggest the absence of a quorum, and ask unanimous consent that the time not be taken out of the time allocated to either side.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. YARBOROUGH. Mr. President, I accept the amendment of the Senator from Kansas.

The ACTING PRESIDENT pro tempore. Does the Senator from Kansas yield back his time?

Mr. DOLE. I yield back the remainder of my time.

Mr. YARBOROUGH. I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Kansas.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

The ACTING PRESIDENT pro tempore. Does the Senator from Texas yield time on the bill?

Mr. YARBOROUGH. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. YARBOROUGH. Do we have 20 minutes to a side, or 20 minutes total?

The ACTING PRESIDENT pro tempore. Ten minutes to a side, or 20 minutes total time.

Mr. YARBOROUGH. Mr. President, if there is no one who wishes to speak in opposition to the bill, I am prepared to yield back all of the time.

Mr. DOMINICK. Mr. President, will my colleague yield me some time?

Mr. JAVITS. Mr. President, I am the ranking minority member of the committee, but I do not oppose the bill. I support the bill, but, in the absence of the leadership from the floor, I yield 5 minutes to the Senator from Colorado.

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

Mr. DOMINICK. Mr. President, I thank the Senator from New York. I shall not take that much time.

I shall probably vote for the bill when we get to the vote, but I do think there are a couple of things we should point out in due course before we decide what we are going to do.

First of all, this is another of those categorical grant programs. The categorical grant has been pushed by each separate specialty, both in the educational field and in the health field, on the ground that if one group gets it, then the other one ought to have it also, in order to stay on a parity. So, one after another, the categorical grant programs for the benefit of a particular specialty, as I say, both in education and in health, have gone forward.

What we have been trying to do, as far as the administration is concerned, is turn this around, to try to group the health services on the basis that appropriations for both educational and health services should be a broad figure, encompassing a number of disciplines, with the emphasis at the same time being flexible enough so that the Department—for the National Institutes of Health, the Office of Education, or whatever it may be—can funnel funds into the items which are most needed at a particular moment, instead of being more rigidly confined by the terms of specific pieces of legislation.

So that is the first objection they have to it, and probably the major objection as far as the administration is concerned.

There is no doubt that we should get into the promotion of more generalized practice, both in the health field, and, it seems to me, in the educational field as well. There is no doubt that this bill will help to upgrade family practice, and it seems to me that is something we need so badly that it is worthwhile passing, notwithstanding the objections that I have mentioned.

For the benefit of those who voted against my amendment, let me outline again the problem I was trying to meet with it, so that we will have it in the RECORD and the House of Representatives can consider it, and so that eventually, when the bill goes to conference, we can talk about it again.

The problem is that there are only nine medical schools at the present time that have separate departments of family medicine. Establishing separate departments of family medicine in the other medical colleges will cost from $250,000 to $650,000 per school.

My staff and I called at least eight very prominent medical schools, including the Colorado Medical Center, the University of Oklahoma, Harvard, the University of Vermont, Stanford, Johns Hopkins, Texas, and the University of California at San Diego, and every single one of the deans or assistant deans of those schools said they thought it was a great mistake to require a separate department.

After all, a family practice physician must have instruction in a variety of different disciplines, ranging all the way from surgery to gynecology. All of these had previously been set up, so why set up a separate department to duplicate all the rest of it? The reason for requiring a separate department was that the American Academy of General Practice felt very strongly that the recently recognized family practice specialty should have the same prestige as other specialties which have been recognized for many years. Obviously, the separate department requirement would help them in that request. But I do not think the instant prestige of the family practice specialty is more important than the considerations I have already outlined. This does not really make very much sense so far as I am concerned, interested as I am in trying to promote general practice.

So, having made these comments, I think we will find some substantial changes in the bill before it passes the House. On the assumption that we will get those changes and that the amount of time authorized by this bill will be cut back from 5 years to 3 years through House action or through the conference, I am willing to go along with it in its present form, even though, as I have said, it seems to me that the measure has been rather unwisely drafted in certain significant features.

I yield back the remainder of my time to the Senator from New York.

Mr. JAVITS. I yield 2 minutes to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, it should be pointed out that this bill, S. 3418, is the 5-year extension of an act which does not expire until June 30, 1971. The Secretary of HEW advised the Senate Committee on Labor and Public Welfare by letter of July 7, 1970, that he opposed the enactment of S. 3418. In a letter dated August 20, 1970, Director Shultz said:

> On July 8, Dr. John Zapp of the Office of the Assistant Secretary for Health and Scientific Affairs testified against the bill at hearings held by the Subcommittee on Health.
>
> The Department pointed out that while it is in accord with the objectives of the bill, those objectives can already be furthered by the existing programs of assistance to medical schools and hospitals. It stressed the advantages of aiding activities in the field of family medicine under broad, flexible legislative authorities such as those contained in the Health Professions Educational Assistance Act. The latter Act is due to expire on June 30, 1971, and the Department indicated that it is in the process of developing its recommendations for modifying and extending the Act.
>
> Finally, the Department strongly opposed the enactment of another categorical grant authority which would duplicate authorities already available under which the purposes of S. 3418 could be achieved.

I ask unanimous consent that the entire letter, signed by George P. Shultz under date of August 20, in opposition to this bill, be printed at this point in the RECORD.

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

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT OF BUDGET,
Washington, D.C., August 20, 1970.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
United States Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: This is in reply to your telegram of August 12 concerning the Administration's position on S. 3418, a bill which would authorize a program of categorical grants to medical schools and hospitals in order to promote the training of medical and paramedical personnel in the field of family medicine.

The Secretary of Health, Education, and Welfare has advised the Senate Committee on Labor and Public Welfare, by letter of July 7, 1970, that he opposes the enactment of S. 3418. On July 8, Dr. John Zapp of the Office of the Assistant Secretary for Health and Scientific Affairs testified against the bill at hearings held by the Subcommittee on Health.

The Department pointed out that while it is in accord with the objectives of the bill, those objectives can already be furthered by the existing programs of assistance to medical schools and hospitals. It stressed the advantages of aiding activities in the field of family medicine under broad, flexible legislative authorities such as those contained in the Health Professions Educa-

tional Assistance Act. The latter Act is due to expire on June 30, 1971, and the Department indicated that it is in the process of developing its recommendations for modifying and extending the Act.

Finally, the Department strongly opposed the enactment of another categorical grant authority which would duplicate authorities already available under which the purposes of S. 3418 could be achieved.

This Office has submitted a report on S. 3418 to the Senate Labor and Public Welfare Committee in which we concurred in the Department's views and joined it in recommending against enactment.

Sincerely,

GEORGE P. SHULTZ,
Director.

Mr. WILLIAMS of Delaware. Mr. President, in conclusion, I want to say that this is but one of several examples of bills that have been on the calendar in the last few days reported by the Senate Committee on Labor and Public Welfare which extend acts which do not expire—many of them—until 1971. In these closing days of the session it does not make sense that we extend an act that could be considered more advisedly by the next Congress. Particularly we should wait until we get recommendation of the administration on the extention of these acts.

In my 24 years service in the Senate I have never witnessed such enthusiasm by Senators on both sides of the aisle to spend money, yet when it comes to raising revenue to pay for these expanded programs they shun the decision as though it were a plague.

Decisions are being made now that will make a large tax increase necessary by the next Congress, and voters should be aware of that fact.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. JAVITS. Mr. President, will the Senator from Texas yield me 5 minutes on the bill?

Mr. YARBOROUGH. I yield 5 minutes to the Senator from New York.

Mr. JAVITS. I wish to announce to the Senate that whatever time remains in opposition—I think it probably is 3 or 4 minutes—is available to any Senator who wishes to oppose this bill. I control that time, but I will yield it gladly. That is why I asked the Senator from Texas to yield to me time on the bill.

Mr. President, I think there is a lot to the points made by the Senator from Colorado (Mr. DOMINICK) and the Senator from Delaware (Mr. WILLIAMS).

The fact is that the administration is not altogether happy about this bill. The fact is that they point out that it can be done as an amendment to an act which has not yet expired. However, it is a new program, and therefore the only way to do it at this time rather than wait until next year is the way we are proceeding here.

Mr. President, I think we would be begging this question, as we vote on it, if we did not understand what is happening in American medicine and in American health care. We are in very grave danger of imposing a cruel hoax upon the people of the United States by passing a proliferation of bills allegedly providing health care to our people, but without the services and facilities with which to deliver them and without the doctors, without the nurses, and without the paramedical personnel.

The other thing that represents an aspect of this cruel hoax, as I call it, is the fact that the medical schools are in terrible trouble. All the Department of HEW is doing in writing this letter is saying, "Let's stretch the rubberband further." They say that, somehow or other, the medical schools will find a way to carry it.

The answer is that we have passed a bill here previously, recognizing the emergency, which has not yet had action in the other body, for a $100 million rescue for medical schools, because many of them—there are only a little over 100 in the country—are going to close. I could not think of anything more devastating to the United States than if that happened. Yet, it is an imminent thing, also including the closing of dental schools.

What we have done is to be able to tell the people that we have passed this and passed that and passed the other, but there is no real money to back it up. So Senator YARBOROUGH, I think very properly, said here is a branch of medical science which threatens to die of atrophy unless we find some way of backing it up with the necessary resources to make it operative. The medical school rubberband can stretch no further. It is already in grave danger of breaking.

I added to it a title for nutrition education—title II of the bill—which falls in the same category, as we have uncovered such devastating facts in the country on the issues of hunger and malnutrition.

Thus, the reason for the bill is that we simply cannot find the resources any other way and that these medical schools do not have the resources themselves. Too many of them are going broke, as it is. So we must find some new aspect of their work which we are willing to finance, and that is what this bill is all about.

For that reason, I think the Senate should pass the bill. I honor my colleagues who have picked on flaws in the measure, for nothing here is ever black and white, and neither is this. In my judgment, on balance, it is something we ought to do, and I hope the Senate passes the bill.

Mr. YARBOROUGH. I yield myself 3 minutes.

Mr. President, this bill is aimed at trying to alleviate the great shortage of family practitioners among the medical doctors of America. In 1931, three of every four doctors were general practitioners, family doctors. Today, only one in five is a family doctor.

The reason for this bill, as was ably pointed out by the distinguished senior Senator from New York, is that the medical schools of this Nation are financially beleaguered. We want them to teach family medicine. The thrust of this bill is to say, "If you will establish a family medicine department in your medical school, we will support you."

There are 134 counties in the United States without a single medical doctor, and the despair of families who are unable to find a medical doctor is growing.

The objection was made by the Senator from Colorado (Mr. DOMINICK) that we would be legislating the curriculum of medical schools. Not at all. We just say, "If you will go back to teaching family medicine as you used to do 50 years ago, the Federal Government will assist you." Many of them want to do this but do not have the resources to do so. These schools are in desperate straits. A number of medical schools, mainly the nonprofit private schools, are about to collapse for lack of funds.

There is wide latitude for every medical school to establish such a department as it wishes. If we study the organization and curriculums of the various medical schools in the country, we marvel at their ability to build diversity into their programs. There is nothing rigid about the committee's bill.

The Academy of General Practice supports this bill. Contrary to what we said erroneously, but honestly, last week, the American Medical Association is not opposed to the bill in general and the provision, according to the telegram that was placed in the RECORD on Friday from Francis L. Land, of the University of Nebraska School of Medicine. So I submit that the objections are not tenable.

General practice has been downgraded. It will take time to reverse this unfortunate downgrading. Not every medical school will wish to establish a department of family medicine. There are only nine schools in America which have set up such schools on their own volition at this time. But we want more than nine schools.

Mr. SPONG. Mr. President, I am pleased to be a cosponsor of S. 3418. This legislation goes to the heart of two of the most pressing health problems facing our Nation.

First, S. 3418 seeks to encourage more physicians to enter family practice. We have heard many experts relate the lack of general practitioners. We have seen pictures in national magazines of signs erected by small towns which have no doctor at all. The testimony we hear and the signs we see indicate that the need for additional family doctors is great, but it is only those persons who are without available medical care who really know how severe the problem is. I believe this legislation will assist these people and will help us meet a national need.

Second, the bill authorizes grants to medical schools and other appropriate institutions for training and research in malnutrition. In 1969, I made a rather extensive study of malnutrition in Virginia. Time and time again, I was told of the need for more research, more knowledge and for more persons trained in nutrition. Subsequent to my study, I introduced legislation which would provide Federal funds for such training and research. I am pleased to note that title II of S. 3418 is similar to proposals which I made and which were also made by Senator JAVITS of New York, a member of the Committee on Labor and Public Welfare.

S. 3418 will, I believe, encourage and enable medical schools and other appropriate institutions to pursue work in the field of malnutrition and will hasten the discovery of new ways and means of

dealing with the often-subtle problems of malnutrition.

I commend the committee for reporting this legislation and thank the able chairman, Senator YARBOROUGH, for his leadership toward meeting these two important health needs.

Mr. HARRIS. Mr. President, enactment of S. 3418 will be a significant step in the efforts of Congress to meet the health crisis facing this Nation. The distinguished senior Senator from Texas (Mr. YARBOROUGH) is to be commended for his outstanding efforts on this legislation and other meaningful legislation designed to see that all Americans receive a decent level of health care.

The importance of having medical schools and hospitals establish departments and programs in the field of family practice and to encourage the training of medical and paramedical personnel in the field of family medicine, which S. 3418 would do, cannot be overestimated.

We are all familiar with statistics showing this country to be falling behind other industrialized countries in the infant mortality rate, the life expectancy of individuals, and in many other categories of health care. These statistics are even more disappointing for the rural areas, for the urban poor, and among the minority groups of this country. It is these people that generally have the most difficulty in obtaining medical care, and it is this bill, designed to train more family practice doctors and make better use of paramedical personnel, that will do much to give these people decent health care.

Recent figures indicated that 412,000 persons in 115 counties did not have access to doctors in those counties. In Oklahoma it is not uncommon to find a rural county having only one doctor per 2,000 to 3,000 persons, and, in fact, two Oklahoma counties at one time had no doctors at all. We know that in some of the poorer areas in New York City the ratio is one doctor per 10,000 people.

Because of the tremendous demand for medical services, and the shortage of doctors that is estimated by some people to approximate 50,000, doctors have been working 50 to 60 hours a week, with many of them seeing 50 patients a day. A rural doctor testified at a recent hearing I conducted in Tulsa, Okla., on the health crisis, as follows:

> We're tired; we're worn out. We work harder; we see our families disintegrate under these circumstances. We see patients day and night and are always interrupted by people's problems. We want you to know that we're working.

We know, as Senator YARBOROUGH has previously stated, that between 1963 and 1967, general practitioners decreased 7.3 percent, while the specialists increased substantially.

The need to emphasize the training of the family practice doctor and paramedical personnel is obvious. However, it is equally obvious that this cannot be accomplished without providing more assistance to our medical schools. Business Week of July 25, 1970, reported that:

> Forty-three out of the 107 (medical) schools of the U.S. are drawing federal "distress" funds so they can at least last through the current year.

These schools, many of them being private, depend heavily on endowment income and on federal research grants for faculty salaries. A sluggish economy, along with cuts by the Nixon administration in funds for medical research, have been disastrous for the medical schools.

The responses of the deans of certain medical schools are set forth in the Business Week article. Dean Robbins of Case Western Reserve said.

> As we struggle to meet the growing demand for health care, the resources we have are becoming less.

Dean James of Mount Sinai said:

> If the federal government has a long range, deliberate arrangement to cut medical schools by one-fifth they're on the right track.

While medical schools have filed over $215 million worth of grant applications with the National Institutes of Health, only $114 million have been budgeted for 1971 for this purpose.

I recently met with several faculty members of the University of Oklahoma Medical School and heard convincing arguments for the need to support our medical schools in every way possible.

Therefore, if we expect the medical schools to concentrate on the training of family doctors, we must provide financial support. S. 3418 authorizes $50 million for the fiscal year ending June 30, 1971, $75 million for the fiscal year ending June 30, 1972, and $100 million for each of the next 3 fiscal years.

Better use of existing manpower is also essential. The provision in S. 3418 directing the Secretary of Health, Education, and Welfare to appoint a 12-member advisory council on family medicine could play an important role in better planning for use of existing personnel, as well as for the training of additional personnel.

Mr. President, I believe this bill is an outstanding step for the Senate to take in meeting the health crisis, and I urge its passage.

MORE TRAINING OF FAMILY PHYSICIANS NEEDED

Mr. HATFIELD. Mr. President, I was pleased to join my friend and colleague from Texas as a cosponsor of this bill. I knew of the storage of doctors in Oregon from conversations with many Oregonians—both with members of the medical profession and with residents of Oregon's smaller towns and rural areas, where the shortage of family physicians is greatest. I share the concern of Senator YARBOROUGH, and I echo his sentiments as to the nationwide need for this bill.

I would like to point out a few things about the situation in my home State of Oregon.

The percentage of Oregon doctors that are in general practice has fallen from 44 percent in 1950 to 27 percent in 1969. This is in the face of an improving doctor-population ratio that fell from one physician per 920 people in 1950 to one physician per 805 people in 1969.

Recent statistics from the University of Oregon Medical School show an even lesser degree of general practice among its recent graduates. While 25 percent of all University of Oregon Medical School graduates are in general practice, in the 1960–64 classes, only 18.6 percent are in general practice.

This trend could produce a crisis in providing adequate medical care, especially in smaller towns. We should not let a gap grow between the medical profession and families needing generalized health information and care for a variety of maladies and injuries.

Additional support for this is pointed out by the need for 125 doctors in Oregon today, according to the Oregon Medical Association Placement Service.

Mr. President, I call on my colleagues here today to support this bill, S. 3418. I would presume that the situation in your States echoes that in Oregon.

I ask unanimous consent that a telegram from the Oregon Academy of General Practice, signed by its able president, Dr. Warren B. Thompson of Hood River, appear in the RECORD. The Oregon academy has over 450 members, many of whom are my good friends around Oregon. Also, members of my staff have discussed this bill with the academy's director, Mr. Roscoe Miller of Portland. The Oregon academy supports this bill strongly.

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

Telegram

Senator MARK O. HATFIELD,
Senate Office Building,
Washington, D.C.

Oregon Academy of General Practice urges you seek early consideration S. 3418. Oregon like most States, urgently needs more family physicians. S. 3418 will encourage and assist medical schools and other training institutions to plan and develop essential training programs. Oregon medical school now making plans. Needs assistance of S. 3418. Your cosponsorship of bill appreciated. Would you now sponsor its early passage by Senate and in the form reported by Senate Labor and Public Welfare Committee.

WARREN B. THOMPSON, M.D.,
President, Oregon Academy of General Practice.

Mr. HATFIELD. Mr. President, in addition, I believe that this bill serves as a perfect complement to the recent bill I cosponsored with my colleague from California, Mr. MURPHY. That bill, S. 4208, the Family Physician Scholarship and Fellowship Program Act, would provide scholarships to young men and women who agree to practice medicine in areas designated as physician-short areas, or who agree to serve migrant agricultural workers and their families. As you know, this program provides that for each year of the scholarship, 1 year of service would be required by the student in a physician-short area. In addition, intern and residency fellowships would be granted. I bring this to the attention of my colleagues today to commend the senior Senator from California for his leadership in sponsoring this bill, and also to ask that this program to meet one facet of our Nation's health needs be given expeditious treatment by the Committee so that the full Senate can act on it.

Mr. President, I wish to focus for a moment on the reasons behind my support, and I presume the support of many of you here, regarding S. 3418. As has been pointed out previously, the reason for this assistance to our medical schools stems from the dramatic need for more general practitioners in many areas of our country. I mentioned earlier the situation in Oregon.

We also must remember that this shortage of general practitioners works an extra hardship on doctors currently practicing in doctor-short areas. I have many friends in the medical profession in Oregon who serve as general practitioners. Many are overworked because of the doctor shortage, and must treat far more patients than they have time for. Often a general practitioner is the only doctor in an area.

Often, the "family doctor," as many of us knew the GP as we grew up, has his office close to the homes of his patients. He prefers this to the high-rise medical center in a large city.

Mr. President, these comments are intended in no way to cast any aspersions on those talented doctors who achieve great expertise in areas of specialization. Too often, however, public attention is focused on this group, and we fail to recognize the many contributions of general practitioners across the country.

I could list Oregon towns and also list at the same time the numerous general practitioners in those towns who are community leaders in my State. Doctors in other States, I am sure, make similar contributions to the civic, cultural, and governmental affairs of their towns, as do the doctors in Oregon. It is easy to find doctors contributing their time and energies to numerous boards and associations.

I share these thoughts with you today as we discuss the doctor shortage, for we should recognize the many contributions of our general practitioners across the country.

In closing, Mr. President, I repeat how important I believe this legislation to be. We need to do more than talk about our medical manpower shortage; we need to act to meet this need. I urge my colleagues to give this bill their full support.

The ACTING PRESIDENT pro tempore. Do both Senators yield back their time?

Mr. YARBOROUGH. Mr. President, I yield back the remainder of my time.

Mr. JAVITS. Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All time on the bill has now been yielded back. The question is on final passage of the bill, S. 3418.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia: I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. McGEE), the Senator from New Hampshire (Mr. McINTYRE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. PASTORE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Missouri (Mr. SYMINGTON), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Rhode Island (Mr. PASTORE), the Senator from New Jersey (Mr. WILLIAMS), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from New Mexico (Mr. MONTOYA), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), the Senator from New York (Mr. GOODELL), the Senator from Oregon (Mr. HATFIELD), the Senator from Arizona (Mr. GOLDWATER), the Senator from Idaho (Mr. JORDAN), the Senator from Iowa (Mr. MILLER), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. PROUTY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Nebraska (Mr. CURTIS) is absent because of death in his family.

The Senator from Nebraska (Mr. HRUSKA), is absent to attend the funeral of a friend.

The Senator from Maryland (Mr. MATHIAS), is absent on official business.

The Senator from South Dakota (Mr. MUNDT), is absent because of illness.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA), the Senator from Oregon (Mr. HATFIELD), the Senator from Idaho (Mr. JORDAN), the Senator from Iowa (Mr. MILLER), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. PROUTY), and the Senator from Texas (Mr. TOWER), would each vote "yea."

The result was announced—yeas 64, nays 1, as follows:

[No. 293 Leg.]

YEAS—64

Aiken	Case	Ervin
Allen	Church	Fannin
Allott	Cook	Fong
Anderson	Cooper	Fulbright
Bayh	Cranston	Gravel
Bennett	Dole	Griffin
Bible	Dominick	Gurney
Burdick	Eagleton	Hansen
Byrd, Va.	Eastland	Harris
Byrd, W. Va.	Ellender	Hart
Holland	Muskie	Sparkman
Hollings	Nelson	Spong
Hughes	Packwood	Stennis
Inouye	Pell	Stevens
Javits	Proxmire	Talmadge
Long	Ribicoff	Thurmond
Mansfield	Russell	Tydings
McCarthy	Saxbe	Yarborough
McClellan	Schweiker	Young, N. Dak.
McGovern	Scott	Young, Ohio
Metcalf	Smith, Maine	
Mondale	Smith, Ill.	

NAYS—1

Williams, Del.

NOT VOTING—35

Baker	Hatfield	Moss
Bellmon	Hruska	Mundt
Boggs	Jackson	Murphy
Brooke	Jordan, N.C.	Pastore
Cannon	Jordan, Idaho	Pearson
Cotton	Kennedy	Percy
Curtis	Magnuson	Prouty
Dodd	Mathias	Randolph
Goldwater	McGee	Symington
Goodell	McIntyre	Tower
Gore	Miller	Williams, N.J.
Hartke	Montoya	

So the bill, S. 3418, was passed, as follows:

S. 3418

An Act to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—FAMILY MEDICINE

SEC. 101. Part D of title VII of the Public Health Service Act is amended to read as follows:

"PART D—GRANTS TO PROVIDE PROFESSIONAL AND TECHNICAL TRAINING IN THE FIELD OF FAMILY MEDICINE

"DECLARATION OF PURPOSE

"SEC. 761. It is the purpose of this part to provide for the making of grants to assist—

"(a) public and private nonprofit medical schools—

"(1) to operate, as an integral part of their medical education program, separate and distinct departments devoted to providing teaching and instruction (including continuing education) in all phases of family practice;

"(2) to construct such facilities as may be appropriate to carry out a program of training in the field of family medicine whether as a part of a medical school or as separate outpatient or similar facility;

"(3) to operate, or participate in, special training programs for paramedical personnel in the field of family medicine; and

"(4) to operate, or participate in, special training programs to teach and train medical personnel to head departments of family practice or otherwise teach family practice in medical schools.

"(b) public and private nonprofit hospitals which provide training programs for medical students, interns, or residents—

"(1) to operate, as an integral part of their medical training programs, special professional training programs (including continuing education) in the field of family medicine for medical students, interns, residents, or practicing physicians;

"(2) to construct such facilities as may be appropriate to carry out a program of training in the field of family medicine whether as a part of a hospital or as a separate outpatient or similar facility;

"(3) to provide financial assistance (in the form of scholarships, fellowships, or stipends) to interns, residents, or other medical personnel who are in need thereof, who are participants in a program of such hospital which provides special training (accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education) in the field of family medicine, and who plan to specialize or work in the practice of family medicine; and

"(4) to operate, or participate in, special training programs for paramedical personnel in the field of family medicine.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 762. (a) For the purpose of making grants to carry out the purposes of this part, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1971, $75,000,000 for the fiscal year ending June 30, 1972, and $100,000,000 for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years.

"(b) Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for the purpose for which appropriated until the close of the fiscal year which immediately follows such year.

"GRANTS BY SECRETARY

"SEC. 763. (a) From the sums appropriated pursuant to section 762, the Secretary is authorized to make grants, in accordance with the provisions of this part, to carry out the purposes of section 761.

"(b) No grant shall be made under this part unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall have prescribed by regulations which have been promulgated by him and published in the Federal Register not later than six months after the date of enactment of this part.

"(c) Grants under this part shall be in such amounts and subject to such limitations and conditions as the Secretary may determine to be proper to carry out the purposes of this part.

"(d) In the case of any application for a grant any part of which is to be used for major construction or remodeling of any facility, the Secretary shall not approve the part of the grant which is to be so used unless the recipient of such grants enters into appropriate arrangements with the Secretary which will equitably protect the financial interests of the United States in the event such facility ceases to be used for the purpose for which such grant or part thereof was made prior to the expiration of the ten-year period which commences on the date such construction or remodeling is completed.

"(e) Grants made under this part shall be used only for the purpose for which made and may be paid in advance or by way of reimbursement, and in such installments as the Secretary may determine.

"ELIGIBILITY FOR GRANTS

"SEC. 764. (a) In order for any medical school to be eligible for a grant under this part, such school—

"(1) must be a public or other nonprofit school of medicine; and

"(2) must be accredited as a school of medicine by a recognized body or bodies approved for such purpose by the Commissioner of Education, except that the requirement of this clause (2) shall be deemed to be satisfied if, (A) in the case of a school of medicine which by reason of no, or an insufficient, period of operation is not, at the time of application for a grant under this part, eligible for such accreditation, the Commissioner finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students who are in their first year of instruction at such school during the fiscal year in which the Secretary makes a final determination as to approval of the application.

"(b) In order for any hospital to be eligible for a grant under this part, such hospital—

"(1) must be a public or private nonprofit hospital; and

"(2) must conduct or be prepared to conduct in connection with its other activities (whether or not as an affiliate of a school of medicine) one or more programs of medical training for medical students, interns, or residents, which is accredited by a recognized body or bodies, approved for such purpose by the Commissioner of Education.

"APPROVAL OF GRANTS

"SEC. 765. (a) The Secretary, upon the recommendation of the Council, is authorized to make grants under this part upon the determination that—

"(1) the applicant meets the eligibility requirements set forth in section 764;

"(2) the applicant has complied with the requirements of section 763;

"(3) the grant is to be used for one or more of the purposes set forth in section 761;

"(4) it contains such information as the Secretary may require to make the determinations required of him under this section and such assurances as he may find necessary to carry out the purposes of this part;

"(5) it provides for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require (pursuant to regulations which shall have been promulgated by him and published in the Federal Register) to assure proper disbursement of and accounting for all Federal funds paid to the applicant under this part; and

"(6) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 65 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(b) The Secretary shall not approve any grant to—

"(1) a school of medicine to establish or operate a separate department devoted to the teaching of family medicine unless the Secretary is satisfied that—

"(A) such department is (or will be, when established) of equal standing with the other departments within such school which are devoted to the teaching of other medical specialty disciplines;

"(B) such department will, in terms of the subjects offered and the type and quality of instruction provided, be designed to prepare students thereof to meet the standards established for specialists in the specialty of family practice by a recognized body approved by the Commissioner of Education; or

"(2) a hospital to establish or operate a special program for medical students, interns, or residents in the field of family medicine unless the Secretary is satisfied that such program will, in terms of the type of training provided, be designed to prepare participants therein to meet the standards established for specialists in the field of family medicine by a recognized body approved by the Commissioner of Education.

"(c) The Secretary shall not approve any grant under this part unless the applicant therefor provides assurances satisfactory to the Secretary that funds made available through such grant will be so used as to supplement and, to the extent practical, increase the level of non-Federal funds which would, in the absence of such grant, be made available for the purpose for which such grant is requested.

"PLANNING AND DEVELOPMENTAL GRANTS

"SEC. 766. (a) For the purpose of assisting medical schools and hospitals (referred to in section 761) to plan or develop programs or projects for the purpose of carrying out one or more of the purposes set forth in such section, the Secretary is authorized for any fiscal year (prior to the fiscal year which ends June 30, 1975) to make planning and developmental grants in such amounts and subject to such conditions as the Secretary may determine to be proper to carry out the purposes of this section.

"(b) From the amounts appropriated for any fiscal year (prior to the fiscal year ending June 30, 1975) pursuant to section 762(a), the Secretary may utilize such amounts as he deems necessary (but not in excess of $10,000,000 for any fiscal year) to make the planning and developmental grants authorized by subsection (a).

"ADVISORY COUNCIL ON FAMILY MEDICINE

"SEC. 767. (a) The Secretary shall appoint an Advisory Council on Family Medicine (hereinafter in this section referred to as the 'Council'). The Council shall consist of twelve members, four of whom shall be physicians engaged in the practice of family medicine, four of whom shall be physicians engaged in the teaching of family medicine, and four of whom shall be representatives of the general public. Members of the Council shall be individuals who are not otherwise in the regular full-time employ of the United States.

"(b) Each member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, three at the end of the first year, three at the end of the second year, three at the end of the third year, and three at the end of the fourth year, after the date of appointment. A member shall not be eligible to serve continuously for more than two terms.

"(c) Members of the Council shall be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, 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, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"(d) The Council shall advise and assist the Secretary in the preparation of regulations for, and as to policy matters arising with respect to, the administration of this title. The Council shall consider all applications for grants under this part and shall

make recommendations to the Secretary with respect to approval of applications for *and of the amounts of* grants under this part.

"DEFINITIONS

"SEC. 768. For purposes of this part—

"(1) the term 'nonprofit' as applied to any hospital or school of medicine, means a school of medicine or hospital which is owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

"(2) the term 'family medicine' means those certain principles and techniques and that certain body of medical, scientific, administrative, and other knowledge and training, which especially equip and prepare a physician to engage in the practice of family medicine;

"(3) the term 'practice of family medicine' and the term 'practice', when used in connection with the term 'family medicine', mean the practice of medicine by a physician (licensed to practice medicine and surgery by the State in which he practices his profession) who specializes in providing to families (and members thereof) comprehensive, continuing, professional care and treatment of the type necessary or appropriate for their general health maintenance; and

"(4) the term 'construction' includes construction of new buildings, acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, including architects' fees, but excluding the cost of acquisition of land or offsite improvements."

TITLE II—MALNUTRITION

SEC. 201. Part A of title III of the Public Health Service Act is amended by adding at the end thereof the following new section:

"SEC. 310c. (a) In order to reduce the incidence of malnutrition in the United States, to advance medical knowledge in the causes and effects of malnutrition, and to encourage and facilitate the provision of early detection and effective treatment of malnutrition and the conditions which result therefrom, the Secretary is authorized, out of the funds available for carrying out the purposes of this section, to:

"(1) make grants-in-aid to and enter into contracts with medical schools, appropriate graduate schools, and nursing schools to assist such schools in establishing courses dealing with malnutrition, its causes and effects, means for its early detection, and effective treatment of malnutrition and conditions resulting therefrom;

"(2) make grants-in-aid and enter into contracts with universities, medical schools, hospitals, laboratories and other public or private institutions, and individuals and groups of individuals for research into malnutrition, its causes and effects, means for its detection, and into the effective treatment of malnutrition and conditions resulting therefrom;

"(3) establish special projects designed to provide to students of courses in malnutrition practical training and experience in the field of malnutrition; and

"(4) provide fellowships and otherwise financially assist students to encourage and enable them to pursue studies and engage in activities in poverty areas relating to malnutrition.

"(b) In selecting schools and institutions to carry out the purposes referred to in paragraphs (1) and (2) of subsection (a), priority shall be accorded to those schools and institutions which are located in poverty areas.

"(c) For the purpose of carrying out the provisions of this section, there are hereby authorized to be appropriated $32,000,000 for the fiscal year commencing with the fiscal year ending June 30, 1971, and for each of the next four fiscal years thereafter."

TITLE III—NATIONAL INFORMATION AND RESOURCE CENTER FOR THE HANDICAPPED

SEC. 301. (a) (1) There is hereby established, within the Department of Health, Education, and Welfare, a National Information and Resource Center for the Handicapped (hereinafter referred to as the "Center").

(2) The Center shall have a Director and such other personnel as may be necessary to enable the Center to carry out its duties and functions under this section.

(b) (1) It shall be the duty and function of the Center to collect, review, organize, publish, and disseminate (through publications, conferences, workshops or technical consultation) information and data related to the particular problems caused by handicapping conditions including information describing measures which are or may be employed for meeting or overcoming such problems with a view to assisting individuals who are handicapped and organizations and persons interested in the welfare of the handicapped, in meeting problems which are peculiar to, or are made more difficult for, individuals who are handicapped.

(2) The information and data with respect to which the Center shall carry out its duties and functions under paragraph (1) shall include (but not be limited to) information and data with respect to the following—

(A) medical and rehabilitation facilities and services;

(B) day care and other programs for young children;

(C) education;

(D) vocational training;

(E) employment;

(F) transportation;

(G) architecture and housing (including household appliances and equipment);

(H) recreation; and

(I) public or private programs established for, or which may be used in, solving problems of the handicapped.

(c) (1) The Secretary shall make available to the Center all information and data, within the Department of Health, Education, and Welfare, which may be useful in carrying out the duties and functions of the Center.

(2) Each other Department or agency of the Federal Government is authorized to make available to the Secretary, for use by the Center, any information or data which the Secretary may request for such use.

(3) The Secretary of Health, Education, and Welfare shall to the maximum extent feasible enter into arrangements whereby State and other public and private agencies and institutions having information or data which is useful to the Center in carrying out its duties and functions will make such information and data available for use by the Center.

(d) There is authorized to be appropriated for carrying out the purposes of this section for the fiscal year ending June 30, 1971, the sum of $300,000, and for each fiscal year thereafter such sums as may be necessary.

The title was amended so as to read: "A bill to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped."

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

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

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 2808) to authorize the Secretary of the Interior to construct, operate, and maintain the Minot extension of the Garrison diversion unit of the Missouri River Basin project in North Dakota, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker has affixed his signature to the enrolled bill (H.R. 16539) to amend the National Aeronautics and Space Act of 1958 to provide that the Secretary of Transportation shall be a member of the National Aeronautics and Space Council, and it was signed by the Acting President pro tempore (Mr. METCALF).

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ADJUSTMENT OF GOVERNMENT CONTRIBUTION WITH RESPECT TO HEALTH BENEFITS COVERAGE OF FEDERAL EMPLOYEES AND ANNUITANTS

Mr. BURDICK. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 16968.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the amendments of the Senate to the bill (H.R. 16968) to provide for the adjustment of the Government contribution with respect to the health benefits coverage of Federal employees and annuitants, and for other purposes, which was in lieu of the matter proposed, insert the following:

That (a) section 8906(a) of title 5, United States Code, is amended to read as follows:

"(a) Except as provided by subsection (b) of this section, the biweekly Government contribution for health benefits for employees or annuitants enrolled in health benefits plans under this chapter shall be adjusted, beginning on the first day of the first pay period of each year, to an amount equal to 40 percent of the average of the subscription charges in effect on the begin-

ning date of the adjustment, with respect to self alone or self and family enrollments, as applicable, for the highest level of benefits offered by—

"(1) the service benefit plan;

"(2) the indemnity benefit plan;

"(3) the two employee organization plans with the largest number of enrollments, as determined by the Commission; and

"(4) the two comprehensive medical plans with the largest number of enrollments, as determined by the Commission.".

(b) The amendment made by subsection (a) of this section shall become effective at the beginning of the first applicable pay period which commences after December 31, 1970.

SEC. 2. (a) Section 8901(3)(B) of title 5, United States Code, is amended to read as follows:

"(B) a member of a family who receives an immediate annuity as the survivor of an employee or of a retired employee described by subparagraph (A) of this paragraph;".

(b) Section 8901(3)(D)(i) of title 5, United States Code, is amended by striking out ", having completed 5 or more years of service,".

SEC. 3. (a) Section 8701(a)(B) of title 5, United States Code, is amended by inserting "and the Panama Canal Zone" immediately before the semicolon at the end thereof.

(b) Section 8901(1)(ii) of title 5, United States Code, is amended by inserting "and the Panama Canal Zone" immediately before the semicolon at the end thereof.

SEC. 4. (a) The Retired Federal Employees Health Benefits Act (74 Stat. 849; Public Law 86-724) is amended as follows:

(1) Section 2(4) is amended by inserting immediately before the period at the end thereof a comma and the following: "and includes the Social Security Administration for purposes of supplementary medical insurance provided by part B of title XVIII of the Social Security Act";

(2) Sections 4(a) and 6(a) are each amended by adding at the end thereof the following sentence: "The immediately preceding sentence shall not apply with respect to the plan for supplementary medical insurance provided by part B of title XVIII of the Social Security Act"; and

(3) Section 9 is amended by adding at the end thereof the following subsection:

"(f) Notwithstanding any other provision of law, there shall be no recovery of any payments of Government contributions under section 4 or 6 of this Act from any person when, in the judgment of the Commission, such person is without fault and recovery would be contrary to equity and good conscience.".

(b) The amendments made by subsection (a) of this section shall become effective on January 1, 1971.

Resolved, That the House agree to the amendment of the Senate to the title of the bill.

Mr. BURDICK. Mr. President, I move that the Senate concur in the amendment of the House.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from North Dakota.

The motion was agreed to.

AUTHORIZATION OF CONSTRUCTION OF SUPPLEMENTAL IRRIGATION FACILITIES, YUMA MESA IRRIGATION DISTRICT, ARIZ.

Mr. BURDICK. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2882.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2882) to amend Public Law 394, 84th Congress, to authorize the construction of supplemental irrigation facilities for the Yuma Mesa Irrigation District, Ariz., which was to strike out all after the enacting clause, and insert:

That section 2 of the Act of January 28, 1956 (70 Stat. 5, Public Law 394, Eighty-fourth Congress), is amended by inserting after the word "buildings" the words "and irrigation works and facilities".

SEC. 2. Section 4 of the Act of January 28, 1956, is amended by changing the period at the end thereof to a comma and adding "but the contract executed on or prior to such date may be amended to include works authorized after such date by amendments to section 2." The Yuma-Mesa division shall be operated in such manner that identifiable return flows of water will not cause the Colorado River stream system to be in violation of water quality standards promulgated pursuant to the Water Quality Act of 1965 (79 Stat. 903).

Mr. BURDICK. Mr. President, I move that the Senate concur in the amendment of the House.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from North Dakota.

The motion was agreed to.

NAVAJO INDIAN IRRIGATION PROJECT

Mr. BURDICK. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 203.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 203) to amend the act of June 13, 1962 (76 Stat. 96), with respect to the Navajo Indian irrigation project, which was to strike out all after the enacting clause, and insert:

That the Act of June 13, 1962 (76 Stat. 96), is amended as follows:

(a) By deleting "and" in the first sentence of section 3(a) immediately preceding "townships 27" and by inserting immediately preceding "New Mexico principal meridian", the following: "townships 26 and 27 north, range 11 west, and townships 24, 25, and 26 north, ranges 12 and 13 west,";

(b) By deleting "$135,000,000 (June 1961 prices)" in the first sentence of section 7 and substituting in lieu thereof "$206,000,000 (April 1970 prices)"; and

(c) By adding the following subsection to 3:

"(d) Each permit that is in effect on lands declared to be held in trust for the Navajo Tribe pursuant to section 3(a) of this Act shall continue in effect for the terms thereof unless the land is needed for irrigation purposes, subject to regulations applicable to permits of Indian lands, and upon its expiration it shall only be renewed on an annual basis until the land is required for irrigation purposes. When, in the judgment of the Secretary of Interior, such land is required for irrigation purposes, the Secretary shall notify the permittee and the permit shall be deemed to be canceled, with no right of appeal. The permittee shall be compensated by the Navajo Tribe for the reasonable value of any range improvements of a permanent nature placed on the lands under authority of a permit or agreement with the United States, as determined by the Secretary of the Interior. Amounts paid to the United States by the Navajo Tribe out of tribal funds for the full appraised value of lands declared to be held in trust for the Navajo Tribe pursuant to section 3(a) of this Act shall be reduced by the amount of compensation paid by the Navajo Tribe to permittees pursuant to this subsection."

SEC. 2. The Navajo Indian irrigation project shall be operated in such manner that identifiable flows of water will not cause the project to be in violation of water quality standards promulgated pursuant to the Water Quality Act of 1965 (79 Stat. 903).

Mr. BURDICK. Mr. President, I move that the Senate concur in the amendment of the House.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from North Dakota.

The motion was agreed to.

REAUTHORIZATION OF THE RIVERTON EXTENSION UNIT, MISSOURI RIVER BASIN PROJECT

Mr. BURDICK. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 434.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 434) to reauthorize the Riverton extension unit, Missouri River Basin project, to include there in the entire Riverton Federal reclamation project, and for other purposes which was to strike out all after the enacting clause, and insert:

That the general plan for the Riverton extension unit, Missouri River Basin project, heretofore authorized under section 9 of the Flood Control Act of 1944 (58 Stat. 887), is modified to include relief to water users, construction, betterment of works, land rehabilitation, water conservation, fish and wildlife conservation and development, flood control, and silt control on the entire Riverton Federal reclamation project. As so modified the general plan is reauthorized under the designation "Riverton unit of the Missouri River Basin project". The Riverton extension unit shall be operated in such manner that identifiable return flows of water will not cause the Wind River to be in violation of water quality standards promulgated pursuant to the Water Quality Act of 1965 (79 Stat. 903).

SEC. 2. (a) The Secretary of the Interior is authorized to negotiate and execute an amendatory repayment contract with the Midvale Irrigation District covering all lands of the Riverton unit. This contract shall replace all existing repayment contracts between the Midvale Irrigation District and the United States.

(b) The period for repayment of the construction and rehabilitation and betterment costs allocated to irrigation and assigned to be repaid by the irrigation water users shall be fifty years from and including the year in which such amendatory repayment contract is executed.

(c) During the period required to construct and test the adequacy of drains and other water conservation works, the rates of charge to land classes and the acreage assessable in each land class in the unit shall continue to be as established in the amendatory repayment contract with the district dated June 26, 1952; thereafter such rates of charge and assessable acreage shall

be in accordance with the amortization capacity and classification of unit lands as determined by the Secretary.

SEC. 3. (a) Construction and rehabilitation and betterment costs of the Riverton unit which the Secretary determines to be assignable to lands classified now or hereafter as permanently unproductive shall be nonreturnable and nonreimbursable: *Provided*, That whenever new lands or lands now or hereafter classified as nonproductive, are classified or reclassified as productive, the repayment obligation of the district shall be increased appropriately.

(b) All miscellaneous net revenues of the Riverton unit shall accrue to the United States and shall be applied against irrigation costs not assigned to be repaid by irrigation water users.

(c) Construction and rehabilitation and betterment costs of the Riverton unit allocated to irrigation and not assigned to be repaid by irrigation water users not returned from miscellaneous net revenues of the unit shall be returnable from net revenues of the Missouri River Basin project within fifty years from and including the year in which the amendatory contract authorized by this Act is executed.

SEC. 4. The limitation of lands held in beneficial ownership within the unit by any one owner, which are eligible to receive project water from, through, or by means of project works, shall be one hundred and sixty acres of class 1 land or the equivalent thereof in other land classes, as determined by the Secretary.

SEC. 5. (a) Lands available for disposition on the Riverton unit, including property acquired pursuant to the Act of March 10, 1964, shall be sold at public or private sale at not less than appraised fair market value at the time of sale. The secretary may dispose of such lands in tracts of any size, so long as no such disposition will result in a total ownership within the unit by any one owner in excess of the limitation prescribed in section 4 above.

(b) In the disposition of lands on the Riverton unit, resident landowners on the unit who have not obtained relief under the Act of March 10, 1964, as amended, shall have a prior right to purchase tracts in order to supplement their existing farms.

SEC. 6. (a) The provision of lands, facilities, and project modifications which furnish fish and wildlife benefits in connection with the Riverton extension unit shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213).

(b) The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital cost allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury as of the beginning of the fiscal year in which construction of said interest-bearing features is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

SEC. 7. Appropriations heretofore or hereafter made for carrying on the functions of the Bureau of Reclamation shall be available for credits, expenses, charges, and cost provided by or incurred under this Act. The Secretary is authorized to make such rules and regulations as are necessary to carry out the provisions of this Act.

SEC. 8. There is hereby authorized to be appropriated for rehabilitation and betterment of the facilities of the first and second divisions of the Riverton unit, for completion of drainage works for said first and second divisions, and for fish and wildlife measures as authorized by this Act, the sum of $12,116,000 (based on July 1969 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction cost indexes applicable to the types of construction involved herein. There are also authorized to be appropriated such additional sums as many be required for operation and maintenance of the Riverton unit.

Mr. BURDICK. Mr. President, I move that the Senate concur in the amendment of the House.

The ACTING PRESIDENT Pro tempore. The question is on agreeing to the motion of the Senator from North Dakota.

The motion was agreed to.

AUTHORIZATION OF CONSTRUCTION OF THE MINOT EXTENSION OF THE GARRISON DIVERSION UNIT, N. DAK.

Mr. BURDICK. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2808.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2808) to authorize the Secretary of the Interior to construct, operate, and maintain the Minot extension of the Garrison diversion unit of the Missouri River Basin project in North Dakota, and for other purposes which was to strike out all after the enacting clause and insert:

That the Secretary of the Interior is authorized to construct, operate, and maintain the Minot extension of the Garrison diversion unit in North Dakota under the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388, and Acts amendatory thereof and supplementary thereto) for the principal purposes of conveying, regulating, and furnishing water made available through facilities of the Garrison diversion unit for use by the city of Minot and other communities for municipal and industrial purposes; conserving and developing fish and wildlife resources; and enhancing outdoor recreation opportunities. The Minot extension to the Garrison diversion unit shall be operated in such manner that identifiable return flows of water will not cause the Souris River to be in violation of water quality standards promulgated pursuant to the Water Quality Act of 1965 (79 Stat. 903).

SEC. 2. The Secretary is authorized to construct appropriate portions of the Minot extension to assist in the interim delivery of water from ground water sources prior to the availability of water through the facilities of the Garrison diversion unit.

SEC. 3. (a) Costs of the project, or any unit or stage thereof, allocated to municipal water supply, shall be repayable, with interest, by the municipal water users over a period of not more than fifty years from the date that water is first delivered for that purpose, pursuant to contracts with municipal corporations or other organizations, as defined in subsection 2(g) of the Reclamation Project Act of 1939 (53 Stat. 1187). Such contracts shall be executed before the commencement of construction of the project. Contracts may be entered into with water users' organizations pursuant to the provisions of this Act without regard to the last sentence of subsection 9(c) of the Reclamation Project Act of 1939 (53 Stat. 1187).

(b) Expenditures for the Minot extension may be made without regard to the soil survey and land classification requirements of the Interior Department Appropriation Act of 1954 (67 Stat. 266).

(c) The interest rate used for computing interest during construction and interest on the unpaid balance of the reimbursable costs of the Minot extension shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction on the extension is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from date of issue.

(d) The Secretary is authorized to transfer to a qualified contracting entity or entities the care, operation, and maintenance of the project works, and, if such transfer is made, to credit annually against the contractor's repayment obligation that portion of the year's joint operation and maintenance costs which, if the United States had continued to operate the project, would have been allocated to fish and wildlife and recreation purposes. Prior to assuming care, operation, and maintenance of the project works the contracting entity or entities shall be obligated to operate them in accordance with criteria established by the Secretary of the Interior with respect to fish and wildlife and recreation.

SEC. 4. The conservation and development of fish and wildlife resources and the enhancement of recreation opportunities in connection with the Minot extension shall be in accordance with the provisions of the Federal Water Projects Recreation Act (78 Stat. 213).

SEC. 5. There is authorized to be appropriated for the construction of the Minot extension the sum of $12,900,000 (January 1969 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the type of construction involved. There are also authorized to be appropriated such additional sums as may be required for the operation and maintenance of the extension.

Mr. BURDICK. Mr. President, I move that the Senate concur in the amendment of the House.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from North Dakota.

The motion was agreed to.

THE PLIGHT OF AMERICAN PRISONERS IN NORTH VIETNAM

Mr. BYRD of Virginia. Mr. President, on September 10, the United Press International distributed to its member newspapers an excellent article on the plight of American prisoners in North Vietnam. The story was written by David J. Oestreicher.

This was a revealing and timely account of the inhumane treatment of our prisoners of war.

We must not permit those Americans held captive by Hanoi to become the forgotten men of the war in Vietnam.

The demands of the United States are simple and entirely reasonable. We are asking only that North Vietnam adhere to the Geneva Convention.

Specifically, we ask the immediate release of a list of prisoners, inspection of POW facilities by an impartial body, free flow of communications between the prisoners and their families, repatriation of the sick and wounded, and eventual release of all captives.

I know of nothing more inhumane than the cruel treatment which Hanoi

has given to those Americans it holds prisoner—and to the families of these men who are not even permited to know whether loved ones are alive or dead.

I commend the UPI and Mr. Oestreicher for the excellent account of the tragic situation of American prisoners of war.

I ask unanimous consent that the article be printed in the RECORD.

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

THE AMERICAN POW IN HANOI: HE WAITS AND WAITS

(By David J. Oestreicher)

The plight of American prisoners in North Vietnam is unique in the annals of modern war. Their number is unknown except to their captors, few from the outside world have seen them and their chances of freedom in the foreseeable future are dim.

They have been referred to as "the forgotten men" in the halls of Congress in Washington and as "war criminals" in the Communist capitals of Hanoi, Peking and Moscow.

Some have been in custody for more than six years—longer than any American captured in other wars in which U.S. troops have fought on foreign soil.

They are largely incommunicado. Brief, relatively uninformative letters trickle from time to time out of Hanoi to loved ones in the United States. Relatives write regularly, rarely knowing if their messages are delivered and read.

Defense Secretary Melvin R. Laird says there is "clear evidence that North Vietnam has violated even the most fundamental standards of human decency" in the treatment of the prisoners. There have been first hand reports of cruelty but these have been contradicted in part by some of the handful of outsiders who have visited prison camps in Hanoi.

It is a fact that North Vietnam has refused to publish an official government list of the men it holds in violation of international law.

The situation has changed little since the first American was shot down over North Vietnam in 1964 and captured.

The most graphic account of treatment accorded American POWs comes from Lt. Robert F. Frishman, one of the nine U.S. servicemen released by Hanoi over the years. The release of each has been accompanied by an outpouring of statements proclaiming Hanoi's "goodwill" and humanitarianism."

Frishman, a Navy pilot, was shot down by a Soviet-built antiaircraft missile that struck his jet fighter-bomber over North Vietnam on Oct. 24, 1967. Metal fragments cut through the fuselage and shattered his right arm. North Vietnamese doctors removed his elbow.

"If an elbow had to be removed," Frishman told a news conference two weeks after he was freed in August, 1969, "I guess they did a good job." But after the surgery, Frishman said, his wound was left to fester and his leg, where serum was administered, became infected.

Frishman told a harrowing tale of being trussed with rope before his arm was treated, of being confined in a cubicle 11 feet long and 10 feet wide with brick walls and a tin roof that turned the place into an oven.

Frishman also told about treatment given two fellow captives—Lt. Cmdr. Richard A. Stratton and Lt. Cmdr. John S. McCain III, son of the admiral commanding U.S. forces in the Pacific.

Frishman said Stratton, shortly after his capture, was bound with rope so tightly it burned his skin and produced festering wounds that were unattended. He said captors removed Stratton's fingernails and burned his flesh with cigarets.

McCain, Frishman said, was held in solitary confinement for more than a year despite serious injuries including "many broken bones."

Other information on the treatment of POWs comes from Mrs. Sybil Stockdale of San Diego, Calif., whose husband, Navy Capt. James Bond Stockdale, has been a captive since Sept. 9, 1965.

Mrs. Stockdale, 45-year-old mother of four sons ranging in age from 8 to 19, is the chairman of the board of the National League of Families of American Prisoners and Missing in Southeast Asia, an organization with headquarters in Washington.

"The treatment is extremely cruel," Mrs. Stockdale said, basing her statement on talks with Frishman and others who have been freed. "The men are kept in prolonged solitary confinement. Little or no communications from home are permitted. The diet is inadequate. There is no contact with the outside world. The medical treatment is basic and inadequate. I believe the men are tortured."

Mrs. Stockdale received her first letter from her husband, now 46, on April 15, 1966, more than seven months after he was captured. Since then, she has received 15 other letters, the most recent on July 6.

All are written on a form containing seven lines and each message has been similar, reporting that Stockdale hopes his wife and children are well and that he loves them. He has reported that he has never seen another American since he was shot down.

Mrs. Stockdale, like most of the POW wives, writes her husband every month, filling a typewritten page and addressing the letters to her husband in Hanoi by regular mail.

Mrs. Stockdale has been in the forefront of efforts on behalf of wives and loved ones to obtain information from the North Vietnamese delegation to the Vietnam peace talks in Paris. Her Paris missions have been fruitless to date.

A colony of Navy wives with husbands missing in action has grown up in Virginia Beach, Va., near the Oceana Naval Air Station where many of them were based before Vietnam assignments.

"It's good for us to live close together," said Mrs. William Tschudy, 32, whose husband was shot down in 1965. "When I go home to Michigan in the summer I just can't find anyone to relate to about the problem. Here, everybody understands, and we give each other moral support."

Some wives have heard from their husbands; others, like Mrs. Richard Nelson, 26, have not. Her husband was shot down 2½ years ago. The couple was married two days before he was sent overseas. She has been active in Mrs. Stockdale's organization and has traveled to Paris and elsewhere seeking news of her husband.

In June of this year, a group known as the Committee of Liaison with Families of Servicemen Detained in North Vietnam announced it had obtained from North Vietnam a "complete" list of 334 American prisoners.

The U.S. State Department immediately disputed the list, describing it as incomplete and unacceptable. The committee subsequently added a 335th name to the list.

The list was an outgrowth of a visit to Hanoi by a leader of the committee, Mrs. Cora Weiss, a woman who has been active in the peace movement.

She challenges reports that American POWs are mistreated, basing this on a trip she made to one prisoner camp in Hanoi just before Christmas last year.

Mrs. Weiss described the compound as well-built and said the men appeared to be treated well.

"The life of a prisoner is hardly the life anyone would want to lead anyway," Mrs. Weiss said in a recent interview. She said the climate and food in North Vietnam was a major cause in any discomfort encountered by the Americans.

"What's important is that North Vietnam has kept alive 335 American prisoners at a time when there was a shortage of food, clothing, medicine and shelter," she said. "In order to protect them from our bombs, they had to treat them like their own people."

Responding to Mrs. Weiss' list Mrs. Stockdale says it is not complete and does not include prisoners held by the Communists in South Vietnam and Laos. She says 15 of the men listed by Mrs. Weiss' group have not corresponded with relatives.

The U.S. Department of Defense says it has evidence that the North Vietnamese are holding 376 Americans, that 77 others are in Viet Cong hands in South Vietnam and that three more are prisoners of Communist forces in Laos.

The Pentagon bases its figures on a variety of sources including photos released by Communist News Agencies, interrogation of the nine returnees and examination of letters.

The Pentagon has never issued a list. A spokesman said recently that in the past six months there had been a "significant" increase in the flow of mail from POWs in North Vietnam but that the total was still far short of the limit permitted by the Geneva Convention.

The president of the International Red Cross, Marcel Naville, lashed out at both North Vietnam and South Vietnam in a recent statement for their position on Red Cross inspection of prison camps.

"It is profoundly regrettable," Naville said, "That South Vietnam grants prisoner-of-war status to only a small part of its detainees, and authorizes Red Cross delegates only with many restrictions to make visits to a large proportion of its other detainees.

"It is also deplorable that North Vietnam refuses to allow the international committee of the Red Cross to intervene at all in favor of prisoners, whom they detain without even consenting to give a list of their names."

American efforts to bring world pressure on Hanoi with regard to the POW issue was intensified last month by the global mission of Frank Borman, a former astronaut who traveled to Moscow, Paris, Geneva, Rome, New Delhi, Saigon and several other cities, seeking contracts and help for the prisoners.

"We had a lot of sympathy along the way," he said. But Borman added that he was not optimistic for any serious talks with the Communists on freeing American POWS.

"Some of them have been incarcerated for six years now, longer than any other prisoner in American history," Borman said. "I went through a prisoner of war camp in Laos where I saw North Vietnamese prisoners who've been there for six years. I think it's time we started making movement on this."

In Washington, Mrs. Stockdale sounded a similar theme and said she feared for the lives of her husband and others in Communist hands.

"Time is running out," she said.

ESTABLISHMENT OF FEDERALLY CHARTERED CORPORATION TO PROTECT SECURITIES INVESTORS

Mr. JAVITS. Mr. President, tomorrow before the Committee on Banking and Currency there will come a bill to establish a federally chartered corporation to protect securities investors against losses

arising out of financially distressed brokerage establishments.

This is one of the most important pieces of legislation Congress can pass to help the economic situation of this country and avert the grave dangers with respect thereto.

The board of governors of the New York Stock Exchange passed a resolution last week affirming this fact and the fact that this legislation is vital to the securities industry and the investors who use its facilities.

Mr. President, the New York Stock Exchange is probably the major element in the industry task force which has been working in this direction.

I pay tribute to the Senator from Maine (Mr. MUSKIE) who has piloted this legislation.

I ask unanimous consent that the resolution of the board of governors of the New York Stock Exchange be printed in the RECORD, as well as a list of the members.

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

Resolved: Whereas, the Board of Governors of the New York Stock Exchange on June 11, 1970, was advised by the Joint Industry Task Force Committee of a plan for a federally chartered corporation as the basis of a system to protect securities investors against losses arising out of financially distressed brokerage firms which it proposed be submitted to the Congress, and,

Whereas, the Board of Governors at that time voted its unanimous support for the SIPC program, now, therefore,

Be it resolved, that the Board of Governors hereby unanimously reaffirm its support of the Securities Investor Protection Corporation legislation now pending before the Congress and expresses its conviction that this legislation is vital to the securities industry and the investors who use its facilities.

COMMITTEE MEMBERS

Ralph De Nunzio, Kidder Peabody Inc.
Watson B. Dabney, J J B Hilliard W L Lyons Inc.
Robert M. Fommon, E F Hutton
Clifford W. Michel, Loeb Rhoades
Francis R. Schanck, Jr., Bacon Whipple Inc.
Robert C. Van Tuyl, Shearson Hammill Inc.
Wheelock Whitney, Dain Kalman & Quail Inc.
Alternate for Mr. Michel; Otto Low, Goodbody.
Staff assistants representatives of various exchanges.

WE CAN CUT MILITARY SPENDING

Mr. PROXMIRE. Mr. President, in the past few weeks there has been a rash of official statements by highly placed administration officials claiming that not one more dime could be cut from the defense budget.

In a press conference on the 6th of August, Secretary of Defense Melvin Laird had this to say:

The Chairman of the House Appropriations Committee has indicated he believes our budget will be cut by one billion dollars.

I'm going to do everything I can to see that it isn't. I think we have submitted a rock bottom budget this year.

The New York Times carried on the front page for August 26 and headlined a UPI interview with Caspar W. Weinberger, the Deputy Director of Management and Budget,

Nixon Aide Sees Danger In New Defense Cutbacks.

And it quotes him as saying

I don't see a great deal of room with any commensurate degree of safety for a very substantial reduction in the defense budget.

This is the same Mr. Weinberger who only recently said he believed the budget should be in balance every year.

PENTAGON WANTS NO MORE CUTS

However, the latest defense of big military spending has come from Assistant Secretary of Defense for International Security Affairs, Mr. Warren Nutter, in an address before the Western Economic Association's Annual Meeting in Davis, Calif., on August 28.

After a lengthy citation of figures, which might even have been difficult for those at a convention of economists to absorb, Mr. Nutter concluded with this statement:

In brief we have cut defense enough for the present. It is time to look elsewhere for relief from the heavy burden of taxes and for resources better employed in meeting pressing domestic needs.

In this final sentence, he verbalized what we all now know to be true because of the statements of Secretary Laird, Mr. Weinberger, and others, namely:

Those whom you have entrusted with responsibility for the nation's security speak with one voice in sending this message to you.

The word has gone out, loud and clear, "No more defense cuts."

ADMINISTRATION ADAMANTLY OPPOSED TO MILITARY CUTS

That position is crystal clear. This administration is on the record time and time again opposing cuts in the defense budget.

In the process of defending the indefensible, Mr. Nutter and others have used some very specious arguments. While I do not intend to rebut his remarks line by line, he uses some figures and some comparisons which are highly selective and misleading. Defense officials have been using them time and again, so I believe it is time to point out their method and the misleading character of some of the arguments.

SELECTED STATISTICS

One of the arguments used by Mr. Nutter is that spending by Governments at all levels—Federal, State, and local, has increased far more since mid-1964 than has spending by the Defense Department. There are several comments to make about this.

First of all, why does he not compare the increase in the military budget with the increase in Federal spending? Why does he throw in the increases by State and local governments? The answer is that the biggest rise in both taxes and spending is at the State and local levels to meet the mushrooming needs for roads, police, urban transit, sewers, water, schools, and a myriad of other services during this last half decade.

But defense is not a responsibility of State and local governments. A more proper comparison is to compare the increase in defense spending with the increase in Federal spending as a whole. It is only by throwing in the tremendous increase in State and local spending that Mr. Nutter makes his case.

INCREASES ATTRIBUTED TO NONDEFENSE SPENDING CAUSED BY DEFENSE OUTLAYS

Second, some of the major items in Federal spending which have grown at a very fast pace and have outstripped the percentage increase in defense spending, are in fact themselves due in large part to the increase in defense spending and the war in Vietnam.

INCREASE IN INTEREST PAYMENTS CAUSED BY DEFENSE INDUCED INFLATION

For example. Since fiscal year 1964, interest on the national debt has increased from $9.8 billion to at least $17.8 billion, or almost a doubling. Interest on the national debt is about twice what it was in 1964. But that increase was due primarily to two war associated matters. First there were the huge deficits in fiscal years 1967 and 1968—deficits of $8.7 and $25.1 billion respectively. Second, there were the higher interest charges induced by the huge deficits and the ensuing inflation, caused largely by the Vietnam war.

INCREASE IN VETERANS' COSTS DUE TO VIETNAM WAR

For example. Veterans' benefits and services have risen from $5.6 billion in fiscal year 1964 to $8.5 billion in fiscal year 1971. That increase, too, is almost a direct consequence of the war and of the increase in defense spending for the war.

Thus, when Mr. Nutter claims that defense spending has not risen as fast as other spending in the Federal Government, he leaves out of the calculation some very important increases. He can only make his claim by attributing some of the fastest growing, most costly increases in Federal expenditures to "nondefense" activities when they are, in fact, due almost directly to defense outlays. Interest on the debt and veterans payments are only two such examples.

But they make Mr. Nutter's argument specious.

DEFENSE SPENDING AS A PERCENT OF GNP

Another argument which is constantly used by the Pentagon supporters of a bigger defense budget, is that Defense spending is now a smaller percentage of the gross national product than it has been recently.

The answer to that argument is "so what?" When did we have to spend any fixed amount or fixed percentage of our gross national product on defense? Defense spending should be calculated on the basis of our defense needs as they are related to other needs. In recent times the military has been getting more and more dollars. They have been surfeited with excesses as every independent study of defense spending has shown.

There was a $30 billion rise in defense spending from 1964 to 1969. Most of that was due to Vietnam spending. Now

that Vietnam spending is being cut, and should be cut, the military has no continued claim on either the absolute dollar increases they received or the percentage of GNP which the high level of Vietnam spending represented.

WHY NOT USE HISTORICAL PERCENT OF GNP?

If the Defense Department wants to use the percentage of GNP as an argument, perhaps someone will turn back the clock and argue that the present 7 percent of GNP spent on the military is far too high because in the 1930's or, historically, we have not spent that large a percentage on defense except in periods when we were fighting an all-out war.

MISLEADING ARGUMENT

The "defense spending as a percentage of GNP" argument is a double-edged sword. I urge the Pentagon to stop using it, for it is misleading, specious, and says nothing at all about what we need, what we should really spend, nor how efficiently we are spending.

Let me examine just one more specific figure before making a more general criticism of Mr. Nutter's and other Defense Department officials' line that we cannot and should not cut another dime from military spending.

MISUSE OF TROOP CUTBACK STATISTICS

In attempting to prove how much had been cut from the military budget and what a good job they are doing, Mr. Nutter cited the following example:

> The cutbacks may stand out more sharply when put in terms of people and things. Our military forces numbered 3.5 million in mid-1968 and will number 2.9 million in mid-1971, a decline of 639 thousand.

Those facts are correct. But it is also true that before the Vietnam buildup we had only 2.5 million men and women in our military forces. Even with the cut backs we still have 400,000 more men in the military than we had when Vietnam began.

We should cut back those 400,000 and return to a 2.5 million man level. I am told on good authority that that is the program. At $10,000 per person per year, which is what it costs to feed, clothe, and train one military person for a year, that would bring a yearly savings of $4 billion.

Thus, when Mr. Nutter and Mr. Weinberger, and Secretary Laird tell us that the military budget cannot be cut, they are also telling us that they intend either First, to keep a military force which is 400,000 men larger than before Vietnam, or second, to use the savings, from cutbacks in military personnel to a 2.5 million manpower level, for some other military purpose such as additional procurement.

QUESTIONABLE PREMISE—NO WASTE IN PENTAGON

These are just some of the specific examples which refute Mr. Nutter's own argument that we have cut defense spending enough. But fundamentally the position taken by Secretary Laird, Mr. Weinberger, Mr. Nutter, and others, is based on a questionable premise. It assumes that everything at the Defense Department is run efficiently and that there is no room for improvement. It assumes that there is no waste, that no reforms are needed in procurement, that the Department holds no excess supplies or bases, that it has no redundant unnecessary, duplicating weapons systems, that the present force levels will be maintained, that every program it now has should be continued or not cut back, and that every dime cut from defense would be cut from muscle rather than fat.

Those are the assumptions that must be made if it is said that we cannot cut back on defense or that to do so would endanger us in any way.

ROOM FOR IMPROVEMENT

But we should act on a different premise, based on solid fact. It is that vast improvement can be made in the efficiency of the Defense Department, that the Department is presently swollen and bureaucratic, that there are numerous redundant bases and programs, that procurment can be improved, and that fat can be turned into muscle with vast savings to the taxpayers. Much of the case can be made from the statements of those in the Department itself.

THE "MESS" IN PROCUREMENT

Let us pause for a moment and look where future cuts can be made. The first place to cut is in procurement. And here Secretary Packard and the Chairman of the Blue Ribbon Procurement Panel, Mr. Fitzhugh, make the case.

In the middle of August, Secretary Packard made a speech in which he had this to say about Defense procurement:

> We have a real mess on our hands.
>
> We don't need more supervision and more people in the act. We need fewer people.
>
> When we are not in a hurry to get things done right, we over-organize, over-man, overspend, and under accomplish.
>
> Let's face it—the fact is that there has been bad management of many Defense programs in the past. We spend billions of the taxpayers dollars: sometimes we spend it badly. . . . However, most of it has been due to bad management, both in the Department of Defense and in the Defense Industry.

Those are Secretary Packard's words, not mine.

Mr. Fitzhugh told a press conference on the release of his report that—

> Defense Department's policies have contributed to serious cost overruns, schedule slippage, and performance deficiencies.

Who are we to believe? Mr. Packard and Mr. Fitzhugh, who tell us procurement is a mess, that there is bad management, and that we need fewer people, or Mr. Nutter, who tells us we have cut defense enough for the present?

If there is a mess, waste, bad management, and if we need fewer people, why should we not cut the military budget or force some reform on them?

CUT REDUNDANT BASES

There are other places to cut. We have some 429 major and almost 3,000 minor bases scattered in 30 countries throughout the world. Many of them are redundant. Cannot we cut back here?

VIETNAM SAVINGS

The incremental costs of the Vietnam War have been cut from a high of $23 billion to $17 billion at the end of June 1970. We are told that by the end of this fiscal year, we will be spending at the rate of $11 billion. Why should not those additional cuts be reflected in next year's budget? And do we intend to continue to spend at the rate of $11 billion a year indefinitely in Vietnam?

Why should we not look to defense, as well as elsewhere, for relief from the heavy burden of taxation?

SHIFT FROM TWO PLUS WAR STRATEGY

What about the shift from a two-plus war strategy to a one-plus war strategy? We are told that is now our policy. But former Budget Director Charles Schultze tells us, on the basis of his experience at the Budget Bureau, that the one plus war strategy should cost us $14 billion less than is being spent the fiscal year for strategic and general purpose forces.

Why have we not received some of the savings from this shift which the Secretary of Defense tells us is already in effect?

MANPOWER REDUCTIONS

I have already mentioned manpower. But we should be getting a $4 billion reduction in present manpower costs as we reduce the strength of our forces to 2.5 million men.

UNNEEDED WEAPONS

What about specific unneeded weapons systems? There is a program called AWACS, which is a costly defense against a Russian manned bomber attack. It is now in the R. & D. stage, but the military has vast plans for expansion.

But the Russians have no manned intercontinental bombers worthy of the name. They are few in number—something like one quarter as many as we have—and they are years out of date. The danger we face is not from manned bombers but from submarines and missiles. But the military intends to go ahead with an elaborate defense against Russian bombers in any case. Only Congress can stop them. AWACS is a class example of an unneeded weapons system. It is a weapons system in search of a mission.

OTHER AREAS

Other savings could be made as well—in the procurement of food, in the more efficient use of personnel, in lengthening rotation periods outside of combat zones, in reducing the funds for public relations, in cutting back on free trips for visiting dignitaries, and in actually putting a Fly-Before-You-Buy Policy into effect, instead of making it a public relations gimmick. Up until now, that policy has been adopted only on paper.

CONTRADICTORY STATEMENTS AND ACTIONS

The Pentagon is suffering from a bad case of split personality. A statement that no cuts can be made in the military budget, by one spokesman, is contradicted by the statements elsewhere of a different spokesman. Essentially what they are trying to do is to have it both ways. While pretending to cut back hard on military spending, they are insisting on keeping the present budget level intact. Look at these examples.

While Secretary Laird states that he has submitted a "rock bottom budget" and that he is going to do everything

he can to see that it is not cut, his Deputy, Under Secretary Packard, tells us that with regard to military procurement "We have a real mess on our hands," that "We need fewer people," and that at the Pentagon "* * * we overorganize, overman, overspend, and underaccomplish."

While Mr. Weinberger over at the White House tells us that there is no room for a substantial reduction in the military budget, he also insists that the Government's budget must always be in balance. Thus, while Government sources leak the fact that we may face a $10 to $15 billion deficit next year—a deficit Mr. Weinberger insists we must never allow—he simultaneously tells us we can make no substantial cuts in the military budget—the only place where sufficient cuts can be made both to stop inflation and to bring the budget more closely in balance.

While Assistant Secretary of Defense Warren Nutter states that defense has been cut enough and that we should look elsewhere for cuts, the Defense Department announces that active military forces will be reduced by at least another 400,000 men, which in itself should bring a $4-billion reduction in military costs.

While we are told that "those whom you have entrusted with responsibility for the Nation's security speak with one voice" in resisting additional military cuts, the Pentagon reveals that the incremental Vietnam costs at the end of June 1971, will be $11 billion or $6 billion less than the incremental costs of the Vietnam war at the end of June 1970. If the Pentagon is cutting our troop strength by 400,000 men, cutting Vietnam war costs by $6 billion, and reforming procurement, why should not the hard-pressed American citizen and taxpaper get some benefit from those reduced costs?

The PRESIDING OFFICER (Mr. EAGLETON). The Senator's time has expired.

Mr. PROXMIRE. I ask unanimous consent to be permitted to proceed for 3 additional minutes.

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

Mr. PROXMIRE. How, on the one hand, can they propose these actions but on the other hand tell us the taxpayers will not benefit? The answer is simple. What they save in Vietnam and in troop reductions they intend to spend at the Pentagon for new military gadgets instead of returning the funds to the public.

IMF REPORT URGES TIGHT BUDGET

Not only can the military budget be cut but it is the single most important action we can take in the fight on inflation. And that fight is by no means over. In fact its seriousness was underlined only this week by a report from the International Monetary Fund in advance of its annual meeting in Copenhagen. The report said:

The importance of arresting the U.S. inflationary spiral and restoring price and cost stability can hardly be exaggerated.

The report said:

At stake, are the checking of the inflationary trend on a worldwide basis, the long-run stability and efficiency of the U.S. economy, the much-needed strengthening of the U.S. balance of payments position . . . and the sound functioning of the international monetary system.

The report called on the United States for a "tight budget" as one of the most important methods of combating inflation.

Mr. President, I think we should recognize that these are some of the outstanding economists in the world. They have a perspective that I think we in this country, particularly those of us in Congress and those of us who are advocates, do not have. The International Monetary Fund economists say in their report the United States should have a tight budget. That report and the inflation which still exists in this country are additional reasons why the military budget must be cut.

DEFENSE DEPARTMENT FLEXING ITS MUSCLES

Notwithstanding the need to cut military costs, we will be hearing more and more talk that the military budget cannot be cut. We will be told that the Russians are 10 feet tall, that we are spending smaller amounts of our GNP on defense than before, and that inflation and pay raises have taken every dime we have saved. And the highly efficient defense and industrial lobby will spend vast quantities of money to protect their present funds.

When those arguments are trotted out, we should remind the experts of the $23 billion overrun—imagine that; a $23 billion overrun—on only 38 major weapons systems, of Secretary Packard's statement that procurement is a mess, of the excess bases, and of proposed troop reductions.

Defense is still a mess. The discipline of cuts is the way to bring order out of chaos.

Let us turn a deaf ear to the siren song of those who speak for the Pentagon and their industrial allies. Let us cut back the fat and waste from the present system. To do this will strengthen our defense and add to our security.

Mr. Nutter, your real work is cut out for you.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Pursuant to the previous order, the Senate will now proceed to the transaction of routine morning business, with a time limitation of 3 minutes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROPOSED AMENDMENT TO REQUESTS FOR APPROPRIATIONS FOR FISCAL YEAR 1971 FOR THE DEPARTMENT OF TRANSPORTATION (S. DOC. NO. 91-382)

A communication from the President of the United States, transmitting a proposed amendment to the request for appropriations transmitted in the budget for fiscal year 1971, in the amount of $28,000,000 for the Department of Transportation, Federal Aviation Administration (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

REPORT OF THE OFFICE OF COAL RESEARCH

A letter from the Secretary of the Interior, transmitting, pursuant to law, the report of the Office of Coal Research for calendar year 1969 (with an accompanying report); to the Committee on Interior and Insular Affairs.

TRANSFER OF LAND FROM THE UNITED STATES TO THE STATE OF NEVADA

A letter from the Secretary of the Interior, transmitting, pursuant to law, for review: (1) application for transfer of lands from the United States to the State of Nevada, pursuant to the Eldorado Valley Act; (2) proposed unit development and acquisition planning report; and proposed contract of sale and conveyancing instrument (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT OF THE NATIONAL ADVISORY COMMITTEE ON HANDICAPPED CHILDREN

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, the report of the National Advisory Committee on Handicapped Children (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

A resolution adopted by the town of Brookline, Mass., relating to the recent hijacking of planes; to the Committee on Foreign Relations.

A letter, in the nature of a petition, from the United Alien Association, of St. Croix, U.S. Virgin Islands, praying for the enactment of legislation relating to citizenship for certain immigrants; to the Committee on the Judiciary.

BILLS INTRODUCED

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

By Mr. YOUNG of Ohio:

S. 4336. A bill to provide some compensation to the students shot and wounded by Ohio national guard soldiers and to the parents of the students killed on the campus of Kent State University on May 4, 1970; to the Committee on the Judiciary.

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

By Mr. HOLLAND:

S. 4337. A bill to amend title 28, United States Code, to provide for the establishment of an 11th judicial circuit to be comprised of Florida, Georgia, Alabama, and Mississippi and for the circuit judges constituting the fifth and 11th circuits; to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 4338. A bill to amend the Department of Transportation Act to provide for a more adequate transportation investment analysis; to the Committee on Commerce.

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

By Mr. HART:

S. 4339. A bill to regulate interstate commerce by requiring certain insurance as a condition precedent to using the public streets, roads, and highways, and for other purposes; and

S. 4340. A bill to promote the greater availability of motor vehicle insurance in interstate commerce under more efficient and beneficial marketing conditions; to the Committee on Commerce.

S. 4341. A bill to amend the Internal Revenue Code of 1954, and for other purposes; to the Committee on Finance.

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

By Mr. McGOVERN:

S. 4342. A bill for the relief of Maria de los Angeles Barahona; to the Committee on the Judiciary.

By Mr. HART:

S. 4343. A bill for the relief of Dimitrios G. Sklias; to the Committee on the Judiciary.

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

S. 4344. A bill to amend the Act of August 24, 1966, relating to the care of animals used for purposes of research, experimentation, exhibition, or held for sale as pets; to the Committee on Commerce.

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

S. 4336—INTRODUCTION OF A BILL TO COMPENSATE THE SURVIVORS OF THE KENT STATE UNIVERSITY TRAGEDY

Mr. YOUNG of Ohio. Mr. President, regarding the tragedy at Kent State University on May 4, 1970, 100 FBI agents, following a most intensive investigation of 2 weeks, and also seven reporters from such newspapers as the Akron Beacon-Journal, the Miami Herald, and the Detroit Free Press, concluded that National Guard officers and men were guilty of the killings and woundings that occurred on the campus. In fact the Vice President of the United States, in California, stated that Ohio National Guard officers were guilty of murder—not murder in the first degree, but murder.

I am today introducing a bill to provide some compensation to the students shot and wounded by Ohio National Guard soldiers, and to the parents of the students killed on the campus of Kent State University on May 4, 1970.

My bill provides that: "The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estates of the late Allison Krause of Pittsburgh, Pa.; Sandra Scheuer of Youngstown, Ohio; William Schroeder of Lorain, Ohio; and Jeffrey Miller of Plainview, N.Y., all of whom at the time of death were students at Kent State University," and to 10 students I have named who were wounded by bullets fired by the Ohio National Guard, a total sum of $7 million, to be appropriated in full settlement of all claims made by the parents of those students.

The total sum of $7 million would be in full settlement of the claims they may have against the United States for the wounding, pain, and suffering, and medical and surgical expenses incurred by their parents, and the disability suffered by each of the 10 students. As to those wounded students who have attained the age of 21, their payments would be made to them personally. Payments would be made to the parents or guardians of those students who are minors, not yet having attained their majority.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. YOUNG of Ohio. I ask unanimous consent that I may proceed for 3 additional minutes.

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

Mr. YOUNG of Ohio. In addition, my bill provides that a panel or board of five be selected and designated by the President of the United States. This panel or board to include two officials of the Office of Attorney General of the United States—Civil Rights Division—and three U.S. district judges of the northern district of Ohio so designated by the President with instructions to study the medical and surgical testimony and other evidence and to direct the distribution of such sum of money equitably and justly in accord with the nature and extent of the injury sustained and permanence of disability arising from injuries received by each of the 10 who were not mortally wounded and that a full and fair distribution be made in settlement of the claims for wrongful death to the estates of those four who did not survive.

The payment and the receipt thereof by any of the injured or by the parents of those injured who are minors and by the administrators of the estates of the four who were killed will not prejudice or affect in any manner the claims for the wrongful deaths and claims for damages for injuries which they have or may have against the State of Ohio, James A. Rhodes, presently Governor of Ohio, or Sylvester Del Corso, adjutant general of Ohio, or any other officials or individual of the Ohio National Guard and is in settlement only of any and all claims against the United States of America.

This bill is introduced today for appropriate reference.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 4336) to provide some compensation to the students shot and wounded by Ohio National Guard soldiers and to the parents of the students killed on the campus of Kent State University on May 4, 1970, introduced by Mr. YOUNG of Ohio, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 4338—INTRODUCTION OF A BILL TO PROVIDE FOR A MORE ADEQUATE TRANSPORTATION INVESTMENT ANALYSIS

Mr. PROXMIRE. Mr. President, today I am introducing a bill to amend the act which established the Department of Transportation. The purpose of my amendment is, first, to remove the restrictions which hamper the ability of the Department to analyze the value of investment in different modes of transportation and, second, to make clear that it is the responsibility of the Department of Transportation to perform economic analysis of proposed investments and to present the results to Congress in a manner which will assist Congress in making wise decisions concerning the need for Federal aid for different types of transportation.

Four years ago when the legislation establishing the Department of Transportation was originally considered, the investment standards provisions were among the more controversial aspects of the legislation. The legislation as originally proposed was amended so as to exempt many types of transportation investments from section 7 of the law, the section which authorizes the Department to develop standards for the economic evaluation of proposed Federal transportation investments. The major exemptions were water resource projects and grant-in-aid programs. Grant-in-aid programs, of course, encompass the Federal-aid highway program. Once we exempted these programs from the Department's authority to set standards for economic analysis, not much was left for them to analyze.

The authority to set standards for evaluation of water resource projects was given to the Water Resources Council. However, the Council was not left with much discretion for working out evaluation standards, since Congress wrote into law a very specific method for measuring the navigation benefits of water resources projects, a method carefully designed to favor water transport over alternative means.

The Water Resources Council is presently engaged in a major effort to work out improved evaluation procedures for water resource projects. I heartily commend them for this effort, and I welcome the opportunity which has been given to interested Members of Congress to review and comment on the proposed new procedures. However, I am sadly disappointed that more progress has not been made in improving the measurement of the navigation costs and benefits of water resource projects. Of course, I do not blame the Water Resources Council for this, for they are required to follow the unsatisfactory method outlined in the Department of Transportation Act.

The amendment that I am introducing today would remove the language which spells out a specific method of comparing the benefits of water transport to rail transport. It would also give the primary responsibility for evaluating the transportation costs and benefits of water resource projects to the Secretary of Transportation, although the Secretary would remain a member of the Water Resources Council, and he would be required to develop transportation evaluation standards which were compatible with the standards established by the Water Resources Council for nontransportation features of water resource projects.

The legislation originally proposed in 1966 gave this responsibility for transportation features of water resource projects to the Secretary of Transportation. I felt strongly at that time that this was the right place for this responsibility. Indeed, I voted against the act establishing the Department of Transportation because I felt so strongly that Congress had made a mistake in transferring this responsi-

bility to the Water Resources Council and an even greater mistake in writing into the law such specific procedures for evaluating the navigation benefits of water resource projects.

The Department of Transportation has now been in existence for about 3 years, and we have had an opportunity to observe our progress in developing a unified national transportation policy. To date, this progress has been all too limited. I do not see how we can possibly expect to have a sensible national transportation policy unless the Department of Transportation is permitted to compare the benefits of water transportation to land transportation, and to do so within the context of a national transportation system.

That the present measurement of the benefits of water resource projects leaves a great deal to be desired is illustrated by the efforts of the Water Resources Council to test their new guidelines for the evaluation of water resource projects. These new guidelines were tested on 19 different water resource projects by a number of different teams of evaluators. Incidentally, I would like to point out that only three of these 19 projects involved navigation benefits at all, and that no one from the Department of Transportation was on the task force which developed the new guidelines. This would seem to indicate that navigation benefits are only one, and not the major one, of the many concerns of the Water Resource Council. I believe the Water Resource Council would welcome the transfer of the primary responsibility for the measurement of navigation benefits to the Secretary of Transportation.

One of the tests conducted by the Water Resource Council which did involve a transportation benefit was an evaluation of the planned improvements of the Trenton Channel of the Detroit River. The benefits of this project were evaluated independently by a team from Michigan State University and by a Corps of Engineers team. The Michigan State team estimated annual transportation benefits of about $2.6 million. The Corps of Engineers found transportation benefits of $10.8 million, or more than four times as much. On another project, the Columbia River project, the Corps of Engineers estimated transportation benefits of $5.6 million, while a consulting firm employed by area business interests discovered benefits of $11.2 million, exactly twice as much.

So estimates of benefits, made by competent groups of people, can vary by factors of 2 to 1 and 4 to 1, even though all these groups were supposedly staying within the procedures spelled out in the Department of Transportation Act. To me this illustrates how mistaken it is to believe that we can get intelligent and consistent estimates by writing detailed procedures into law. Far better to rely on placing the responsibility with the Department which has responsibility for estimating all our transportation needs and which has no built-in reasons to favor one type of transportation or one region of the country over another.

As I stated earlier, my amendment would also give to the Department of Transportation the authority to set evaluation standards for Federal-aid highway projects. This seems to me essential if we are ever to get any adequate understanding of the proper spot for Federal highway aid among our Federal spending priorities. Even in the few years since the Department of Transportation was established, the misallocation of funds between highways and other forms of transportation has become increasingly evident. The sentiment in Congress and among the public generally to shift funds from highways to more urgent needs is growing stronger daily. How are we to know how our funds can best be spent if the Department of Transportation is prohibited by law from comparing investment in highways with investment in other forms of transportation?

My amendment would not only remove this prohibition but would instruct the Department to present their studies to the Congress in a way which permits "a comparison of the relative public value of investment in alternative modes of transportation." The Department of Transportation has under way an elaborate study of our transportation needs, scheduled to be completed in 1972. But how can this study be of value unless the Department compares all modes of transportation, including, most importantly, the highways in which we invest so many billions of Federal funds?

Of course, studying and evaluating our transportation needs is only a first step. Our ability to allocate funds wisely is further hampered by the existence of the highway trust fund, which makes money available only for highways, no matter how pressing our other needs. Not only must we have better analysis of our transportation needs, but we must have the flexibility to shift funds where they are most needed. I have advocated doing away with the highway trust fund. Many of my colleagues have advocated instead a broadening of the fund so that the money could be put to transportation uses other than highways. The sentiment in Congress to do something about the trust fund is very strong. I intend to continue to press for improved flexibility to allocate funds. If improved flexibility can be accompanied by greater freedom for the Department of Transportation to analyze alternative investment possibilities, I believe major improvements in our national transportation system can be achieved.

I want to make it very clear that my amendment does not in any way weaken the role of Congress in establishing transportation policy. The language which Congress wrote into section 4 of the law reading "nothing in this Act shall be construed to authorize, without appropriate action by Congress, the adoption, revision, or implementation of any transportation policy" remains. This language makes clear that the final authority rests, as it should, with the Congress. My purpose is to insure that Congress has available from the executive branch the best possible analysis of the expenditure propoals on which we in Congress make the final decisions.

I ask unanimous consent that the bill I have introduced be printed in the RECORD.

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

The bill (S. 4338) to amend the Department of Transportation Act to provide for a more adequate transportation investment analysis, introduced by Mr. PROXMIRE, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 4338

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby declares that the Department of Transportation has not yet fulfilled its promise with respect to promoting the efficient and equitable allocation of investment funds among the various modes of transportation; that the Department is handicapped in the performance of this duty by certain restrictive provisions of the Department of Transportation Act; and that it is the sense of Congress that the Department of Transportation should establish improved procedures for conducting economic analysis of the relative public value of investment in different modes of transportation and that to the extent feasible such analysis should take into account the external costs and benefits of proposed investments, including non-monetary costs and benefits, and the probable distribution of the costs and benefits among different groups in the population. It is the purpose of this Act to make clear the authority and responsibility of the Department of Transportation to establish the necessary standards and criteria for the economic evaluation of transportation investments.

SEC. 2. (a). Section 4(b)(2) of the Department of Transportation Act is amended to read as follows:

"(2) Nothing in this Act shall be construed to authorize, without appropriate action by Congress, the adoption, revision, or implementation of any transportation policy."

(b) Section 7(a) of the Department of Transportation Act is amended to read as follows:

"SEC. 7. (a) (1) the Secretary, subject to the provisions of section 4 of this Act, shall develop and from time to time in the light of experience revise standards and criteria consistent with national transportation policies for the formulation and economic evaluation of all proposals for the investment of Federal funds in transportation facilities or equipment, except such proposals as are concerned with (A) the acquisition of transportation facilities or equipment by Federal agencies in providing transportation services for their own use; and (B) programs of foreign assistance. The standards and criteria for economic evaluation of the transportation features of multipurpose water resource projects shall be developed by the Secretary after consultation with the Water Resources Council, of which the Secretary of Transportation shall remain a member, and shall be compatible with the standards and criteria for economic evaluation applicable to nontransportation features of such projects.

"(2) The standards and criteria developed or revised pursuant to this subsection shall be such as to insure that the resulting eco-

nomic evaluation permits to the maximum feasible degree a comparison of the relative public value of investment in alternative modes of transportation.

"(3) The standards and criteria developed or revised pursuant to this subsection shall be promulgated by the Secretary upon their approval by the President."

S. 4339, S. 4340, AND S. 4341—INTRODUCTION OF AUTO INSURANCE REFORM BILLS

Mr. HART. Mr. President, today, I plunge in where perhaps a wiser man would not tread. By introducing the first automobile liability insurance reform bill in Congress, I know I am volunteering as a lightning rod for the criticism that will come from those wedded to the status quo.

Nevertheless, it is clear that the status quo in the auto insurance fault field is not good enough.

Use whatever indicator you like—complaints to governmental agencies, complaints to newspapers, complaints to congressional offices—auto insurance is a major problem to millions of consumers both as policyholders and claimants.

Three years ago, the Senate Antitrust and Monopoly Subcommittee decided to determine both the validity and basis for these complaints. We launched an investigation that took us into the auto insurance fault system's innards.

Touched off by the complaints of cancellation, unavailability, high cost and claims practices, our study meandered through the technicalities of investment income, classifications, loss ratios, reserves, assigned risk plans and the fault-finding process itself.

At the end of it all, only one reasonable solution seemed possible: Reform.

The present insurance system evolved from common law and was designed to protect the assets of the few who could afford the very early cars.

Plastered on a society where there are more cars than households—where even the man with few assets to protect may find owning two cars essential—the old system does not meet the needs. Today, as a study done for DOT pointed out, the problem of auto crashes is a public health problem. "Only diseases of advancing age are more significant causes of death than auto crashes." Further, "only heart disease causes the loss of more man-years of productivity in the country each year."

To my view, the social benefit we seek from insurance today is not protection from the other fellow's losses, but compensation for our own.

The present auto liability insurance-fault system is not giving us that.

Of each dollar, consumers pay into the system for liability protection, only 40 cents goes to compensate accident victims. Of this 40 cents, only 13 cents actually ends up compensating for out-of-pocket losses. Seven cents goes for duplicate recovery and 20 cents for "pain and suffering."

This is the system that about 20 million Americans looked to for compensation from July 1965 to July of this year. It is the system that was to compensate 300,000 families in that period for death of a member.

The total economic loss—including insurance company overhead and all future income loss discounted—during that period was more than $61 billion.

The DOT Economic Consequences of Auto Accident Inquries study gives an idea of how much victims got back of their losses.

Of $5.1 billion of personal and family loss suffered by one-half million serious injury and fatality victims of auto accidents in 1967, the auto insurance fault system provided only $813 million. No-fault auto insurance coverages—medical payments and collision—provided another $248 million.

Thus, there was only 20 percent recovery from auto insurance.

Another study conducted for DOT by the insurance industry itself showed that claimants with a permanent total disability had an average total economic loss of $78,000, yet received an average insurance payment of $12,556—only 16 percent of economic loss.

That uncompensated loss took its toll on the victims. The DOT study—which covered 513,000 victims—showed that 27 percent of those victims—or 136,000—with losses over $5,000 accounted for 85 percent of the total loss.

The families of 37 percent of those 136,000 victims—or 50,300—had to change their way of life. Thirty-two percent—43,500—had to take money from savings or sale of property. Twenty percent—27,200—missed payments. And—9 percent—or 12,200—had to move to cheaper quarters.

Mr. President, if we are to make our insurance system one which truly protects auto accident victims and their dependents from economic catastrophe—if we are to avoid creating new social burdens—if we are to put fairness into the system—we must have the courage to change the system.

What we have now is not—has not been—and cannot be—good enough, or close to it.

Several days ago, as you know, I introduced legislation to cut the cost of auto insurance for protection of property.

Today, I introduce three bills aimed not only at bringing down the premium covering injury to people but at increasing compensation to accident victims. Both objectives are possible through a more fair and efficient allocation of the insurance premium dollar.

There are other benefits in the package—perhaps more psychological than economic.

The most important, to my mind, is the guarantee that any licensed driver—be he young or old, married or divorced, a minister or an oil-rig operator—would get and keep insurance.

During our hearings, insurance companies told us that such personal factors as age, sex, occupation, court and accidents records are valid criteria for identifying individual "bad" drivers or "bad" prospective court witnesses.

A recent study for DOT claims that—

Although such factors could be used to distinguish groups of drivers with significantly different accident rates, they were not reliable in predicting whether or not particular individuals would be involved in accidents.

Statistical tests "applied to random sample of all drivers, could eliminate all but the best drivers but could not identify only the worst."

Unavailability is perhaps the most universal complaint of consumers about auto insurance. In fact, in a study done by the University of Michigan, 14 percent said they either had been canceled, refused renewal, or knew someone who had.

That consumers would complain is understandable.

The insurance market is unusual. Consumers across the Nation—by various types of State laws—are virtually required to buy auto liability insurance. Yet, after guaranteeing the industry a market, we have allowed it to refuse to supply the product.

Under the Uniform Motor Vehicle Insurance Act, this no longer would be possible.

The only grounds for refusing or cancelling a policy would be loss of a driver's license or nonpayment of premium.

To me, those are the only valid reasons.

Unfortunately, in the past, insurance has been refused for reasons far more arbitrary—and in some cases, almost ludicrous.

For example, several companies flagged various occupations as "undesirable." Incredibly, these included law enforcement officers, doctors, lawyers, reporters, editors, and others normally considered the stabilizing elements of society. For many companies, thousands of applicants were either "too young or too old" and were refused.

Further, sections of cities have been blacked out as areas in which no residents could buy that company's auto policies.

In short, the overthink many companies engaged in as they sought out the "good risks" gave the impression that they really wanted to write insurance only for those who were likely never to file a claim.

The result was frustration of the system—with an estimated 20 percent uninsured cars on the road whose drivers offered little hope of compensation to their victims.

Perhaps the second most frequent complaint about insurance is the cost. Well it might be. From 1960 to July 1970, the cost of auto insurance went up 65 percent—compared to 39 percent for auto repairs, 28 percent for tires and 15 percent for gasoline. See tables 6 and 7. That 65 percent insurance hike came as take-home pay for nonsupervisory and factory workers went up only 40 percent.

In dollars, that 65 percent insurance hike means consumers in our 20 most populous cities are paying premiums ranging from $193 in Memphis to $617 in New York City to cover the average car. In San Francisco, the rate is $430;

in Chicago, $352; Detroit, $285, and Washington, D.C. $298.

Those are the base rates—which too many consumers have learned climb with surcharges for 3 years after minor accidents.

Further, those rates are climbing daily. For example, a major insurer recently raised its rates in Michigan by an average of 17.6 percent. That was the average increase. But, reportedly, a high risk driver in Detroit will find himself paying 39 percent more after the price hike.

One of the reasons for the high charges for auto insurance is the built-in expenses of handling each applicant on an individual basis. See chart 1 and table 1. Long ago, we learned that selling accident and health insurance on a group basis—with all members treated the same—cuts the selling price.

But, in about 36 States today the same type of sale of auto insurance as well as other forms of property and liability insurance is prohibited by regulations or law.

One of the bills I introduce today, the Property and Liability Group Insurance Act, would overturn this prohibition and allow group auto insurance.

The other insurance bill would amend the Internal Revenue Code by having group property and liability insurance treated the same as group accident and health insurance. This would encourage group auto insurance sales by allowing employees to get the same tax benefits from employers' contribution to auto plans as they do now with group accident and health plans.

This, I feel, is necessary since the savings of group auto are significant only when the vast majority of employees participate in the plan. Otherwise, the group might contain many drivers who would be surcharged on the open market—forcing the rate for the group too high.

One estimate is that simply converting to a group auto insurance plan—without any employer contributions—could save the average driver 15 percent each year.

Obviously, the savings would be much greater if the employer contributes—as many do with group accident and health.

The nonrefusal provisions and the encouragement of group plans, I suspect, are the aspects of this package which will most easily catch the attention of the public. This is because each person can identify with those situations.

However, the most significant change I propose today is the move away from the "fault" liability system of insurance.

Few consumers realize—until the accident happens—that the present insurance system will pay the bills caused by personal injury and death only if the driver of the car is totally free from blame for the accident. This is so in all but a handful of States which have adopted "comparative negligence" laws. Under these laws the errant driver may receive at least some compensation.

Those of us who are honest with ourselves know how many times in the shortest trips we avoid accidents more through dumb luck than driving skill. As one study pointed out, the driver must make 200 observations and 20 decisions each mile he drives. The potential is so great that it would be natural for even the most careful of drivers to make errors in judgment. In fact, the same study estimated that the average driver does make errors—one per each two miles driven.

The 1970 causation and culpability and deterrence study done for DOT explains that—

> A substantial but largely unmeasurable number of violations and crashes occur which involve generally competent drivers who are suffering temporary lapses from their normal adequate levels.

Yet these errors are the "outs" for the insurance companies under the present system—making it possible that passengers in neither car will be compensated because both drivers may have contributed to the accident.

And deciding who is to be paid—if anyone—becomes a "who shot John" finger-pointing contest which burdens our legal system, ties up our courts and keeps money out of the pockets of victims when they need it.

A study by the Federal Judicial Center points out that motor accident litigation requres 11.4 percent of judge time in Federal district courts and approximately 17 percent of judge time in State courts of general jurisdiction. Impact of motor vehicle accident litigation on the courts varies widely among States. In Iowa County, Iowa, it is 3 percent. In Wayne County, Mich., it is 40 percent.

Chief Justice Burger has warned that we have clogged our courts so much that justice in this country is more myth than reality. He suggests caution in passing new laws which would bring more cases to court.

I share his concern over the clogged courts. But it seems more rational—and fair—to reserve the courts for matters which merit adjudication by freeing them from problems that could be handled better under another system. Furthermore, we could free our doctors for more profitable uses—such as improving emergency accident treatment—rather than sitting in courthouses or otherwise being tied up in the fault-finding process.

The worst part of this clogging of the courts is the delay in payments for victims of accidents. A DOT study showed that victims with losses over $2,500 averaged a 19-month lag before they received any payment.

In Wayne County, the site of Detroit, a claimant must wait 4 years for trial. Unfortunately, rehabilitation expenses do not wait. So the seriously injured person has two choices: go without rehabilitation when it would help or risk bankruptcy to finance it. He faces similar problems with rent, food and clothing costs.

The Uniform Motor Vehicle Insurance Act seeks to overcome these hurdles and to guarantee a "sufficient, fair, and prompt" payment system.

Under the bill, injuries are divided into short and long-term.

Out-of-pocket expenses of injuries generally would be compensated on a first party, no-fault basis—in the manner of hospitalization policies.

The driver's own auto insurance policy would cover the net economic loss due to such injury or death—which is not covered by other sources.

Making the auto policy the "book balancer," as it were, would eliminate the need for consumers to pay the several billion dollars yearly they are now spending for coverage which duplicates what they may have—say in hospitalization plans or sick leave.

The bill provides that the victim would be made economically whole for his entire medical, hospital and rehabilitation costs. Incidental expenses—such as transportation for treatment or in-the-home assistance—also would be covered.

Lost income would be reimbursed—up to $1,000 a month for 30 months. An amount up to $30,000 would be paid for fatalities of wage earners. The death payment seeks to put ready cash in the hands of families who have lost their wage earner. Survivors of nonwage earners and those suffering economic loss in excess of $30,000 may still sue under the tort system.

The time limit on protection of income was set to assure that about 97 percent of all accident victims would be rehabilitated and back at work within its span. The other victims who are injured would have ample time for calm determination of ways of replacing the income lost due to permanent disability.

Those who are permanently disabled—or disfigured—and survivors of fatalities—in other words, the catastrophic injuries—under this bill would still be free to recoup damages over and above economic loss reimbursed by the bill by suing under the tort system. They could sue for all economic loss not reimbursed under the bill as well as for "pain and suffering."

Under the bill, a person committing a felony, using the vehicle with the specific intent of causing injury or without the permission of the owner, would not be compensated for his injuries and would have to reimburse any insurer for damages paid due to an accident.

Drunk drivers, as well as those under the influence of drugs, would be compensated for their injuries but would have to reimburse an insurer for damages paid to others. Alcohol-related accidents caused an estimated 25,000 deaths and 800,000 crashes in the United States each year, according to the DOT 1968 alcohol and highway safety report. Auto manufacturers are working on devices that would make it impossible for a drunk driver to start a car—and the DOT plans on requiring these devices on cars by 1975. This, I think, is the most realistic way to treat the problem of the drunk driver—that is, to prevent him from being on the road.

Payments for economic loss under the "no fault" section of the bill would be made as the loss occurs—eliminating the lengthy waits for settlements.

Pedestrians would be covered by the insurance on the car which hits them.

Because this basic insurance must be sold to any licensed applicant, there would no longer be need for assigned risk plans now in existence.

However, there would be cases where the victim would have no insurance company to turn to for payment—such as with hit and run victims. Therefore, the bill creates an "assigned claims" plan. Insurance companies in each State would share in these plans based on the percentage of business they write in that State. Each would pick up the tab for a percentage of uninsured losses.

The bill also recognizes the realities of the road in making special provisions for truck-car accidents. Because of the disparity of weight between the vehicles, passengers in the autos incur that most severe harm in such accidents.

In 1968, only 16 truck drivers were killed in truck-auto accidents. But, 1,017 auto passengers lost their lives in the same accidents. Truck driver injuries were 1,222—with 12,304 auto passengers injured. Trucks colliding with passenger autos accounted for almost one-half of all moving vehicle accidents involving trucks.

Therefore, the bill provides that the Secretary of Transportation will assign each vehicle larger than a passenger car a percentage of responsibility for net economic loss sustained in a collision with cars.

While the bill, as a general rule, foresees that the auto policy would pick up the economic loss left over after other sources are drawn upon, it does offer the consumer the option of making the auto policy primarily responsible—or the choice of duplicate payment.

This provision is included to increase the consumer's options and to make it possible for him to tailor an insurance package best suited to his needs.

The benefits provided for in the Uniform Motor Vehicle Insurance Act are basic. Consumers may buy any additional coverage they want.

Mr. President, there is one other significant section of the bill which I wish to comment on specifically today. This is the provision for meaningful price information so the consumer may shop intelligently for insurance.

In requiring that insurance companies sell a no-fault policy to any licensed driver who applies to them, we are, of course, leaving it to the company to set a rate which it feels will make that policy profitable.

We also are opening up a whole new world for most consumers—one where they do not take what they can get in auto insurance, but take what they want.

In order to know which company offers the soundest deal, a consumer must know not only the prices for his classification but the claims-paying practices of the company. Therefore, the bill provides that such information be reported to DOT. The Secretary, in turn, will make it available to the public.

Mr. President, my proposal that we reform the insurance system is not meant—and I hope will not be taken—as a criticism of companies now in the business.

As we were told by several of their representatives during our hearings, the industry has been supplying the protection they thought consumers wanted. Many members of the industry are aware that the present system no longer serves the public well—and have been proposing changes. They seem to agree that updating is needed and are willing to change—if they have some guarantee that the public truly wants these changes. I think it is clear that the public does want change. "No-fault" auto insurance is hardly a household word—and the public in general has not been made aware of its potential. Yet, a University of Michigan study showed that 44 percent queried were in favor of claiming damages from their own insurer and foregoing payment for pain and suffering.

But, no one company can turn this system around by itself. Nor, in fact, could many sizable ones working together.

If consumers are to be offered protection more than promises, economy more than inefficiency, then the industry reformers need an assist from government.

These bills are offered as that assist.

They seek to smooth the road, to knock down the barricades, to set fair and uniform rules so each company can offer consumers the most for their money in the best way it knows how.

In short, we would inject a note of competition—beneficial to all auto insurers and consumers—in an industry that has drifted away from this basic free enterprise theory.

If we accomplish that, the consumers and the industry will be better off. Of that, I am positive.

Given the sweep of these objectives, and the complexity of the subject area, I want to be the very first to say that these bills, although reflecting many reworked drafts, can and will be refined as hearings and discussion on them go forward. I invite all who are involved and concerned to join me in the search for the very best answer to a problem shared by all of us.

Because the need is great, I propose that hearings be scheduled on the Uniform Motor Vehicle Insurance Act in the next few weeks.

Mr. President, I ask unanimous consent that the three bills be appropriately referred and the bills and tables and charts accompanying them be printed at this point in the RECORD.

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

The bills, introduced by Mr. HART, were received, read twice by their titles, referred as indicated, and ordered to be printed in the RECORD, as follows:

To the Committee on Commerce:

S. 4339

A bill to regulate interstate commerce by requiring certain insurance as a condition precedent to using the public streets, roads, and highways, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SEC. 1. That this Act may be cited as the "Uniform Motor Vehicle Insurance Act".

DECLARATION OF PURPOSE

SEC. 2. The Congress finds that—

(1) The great number of motor vehicles operated within the channels of interstate commerce upon the public streets, roads and highways of the States;

(2) The substantial amount of injury and death resulting therefrom;

(3) The insufficient, unfair distribution and untimely availability of monies under the present motor vehicle liability insurance system for the adequate rehabilitation and compensation of accident victims;

(4) The absence of uniform and sufficient requirements for—

(A) Insurance among the States as a condition to using the public streets, roads, and highways;

(B) Guaranteeing the continued availability of motor vehicle insurance supplied by private enterprise; and

(C) Meaningful price information to promote rational buying decisions and thus stimulate beneficial competition; and

(5) The failure to promote the general welfare by not recognizing sufficiently the plight of motor vehicle accident victims while promoting the national policy of accelerating the construction of the Federal-Aid Highway Systems;

obstruct the free flow of such commerce by increasing unnecessarily the hazards of travel within such channels and otherwise affecting such commerce.

It is the purpose of this Act to provide for the general welfare by requiring a system of motor vehicle insurance which will be uniform among the States, which will guarantee the continued availability of such insurance and meaningful price information; and which will provide sufficient, fair and prompt payment for rehabilitation and losses due to injury and death arising out of the operation and use of motor vehicles within the channels of interstate commerce, and otherwise affecting such commerce.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "motor vehicle" means any vehicle of a kind required to be registered under the National Traffic and Motor Vehicle Safety Act of 1966, as amended.

(2) (A) The term "insured motor vehicle" means a motor vehicle insured under a policy of insurance which meets the requirements of section 5 of this Act.

(2) (B) The term "uninsured motor vehicle" means a motor vehicle with respect to which insurance provided under section 5 of this Act is not applicable at the time of the accident, or with respect to which the insurer nominally providing such insurance denies coverage, or is financially unable to fulfill its obligation.

(3) The term "owner" means a person who holds the legal title to a motor vehicle under the National Traffic and Motor Vehicle Safety Act of 1966, as amended, or in the event a motor vehicle is the subject of a security agreement or lease with option to purchase with the debtor or lessee having the right to possession, then the debtor or lessee shall be deemed the owner for the purpose of this Act.

(4) The term "person" means any individual, partnership, corporation, association, trust, syndicate, or other entity.

(5) "Operation or use of a motor vehicle" includes loading or unloading the vehicle, but does not include conduct within the course of a business of repairing, serving or otherwise maintaining vehicles unless the conduct occurs outside the business premises.

(6) The term "injury" means any bodily

injury, sickness or disease (including death at any time resulting therefrom) arising out of the operation or use of a motor vehicle.

(7) The term "catastrophic harm" means a bodily injury (including death at any time resulting therefrom) which results in a permanent partial or total loss of, or loss of use of, a bodily member, or a bodily function: *Provided, however,* That such permanent partial or total loss, or loss of use, need not affect earnings or earning power. The term "catastrophic harm" includes permanent disfigurement.

(8) The term "economic loss" means in the case of any injury or death:

(A) All expenses reasonably and necessarily incurred for medical, hospital, surgical, professional nursing, dental, ambulance and prosthetic services;

(B) All expenses reasonably and necessarily incurred for physical and occupational therapy and rehabilitation;

(C) The amount which would have been earned during the 30 months immediately following such injury or death but for such injury or death could not be earned: Except, That, in the case of injury, such amount shall not exceed $1,000 a month, and, in the case of death, such amount shall not exceed $30,000;

(D) All other expenses reasonably and necessarily incurred as a result of such injury.

(9) The term "net economic loss" means, in the case of any injury or death "economic loss" reduced (but not below zero) by the amount of:

(A) Taxes which would have been payable on the amount which would have been earned but for such injury or death; and

(B) Any benefit or payment received, or entitled to be received, for losses resulting from such injury or death under any provision of law or any insurance or other source of benefits: Except, benefit or payment received, or entitled to be received—

(i) in discharge of familial obligations of support;

(ii) by way of succession at death;

(iii) as proceeds of life insurance;

(iv) as gratuities, or

(v) as proceeds of any contract, policy of disability, health and accident, or other insurance or other source of benefits containing an explicit provision making its benefits supplemental to those in accordance with the provisions of section 5(a) of this Act, or making the benefits under section 5(a) deductible from the benefits under such contract, policy or other insurance or source.

(I) If any contract, policy of disability, health and accident, or other insurance or other source of benefits does not provide that its benefits shall be supplemental to those under section 5(a) of this Act, or that the benefits under said section 5(a) shall be deducted from its benefits, economic loss shall be reduced by the amount of any benefit or payment received, or entitled to be received, from such contract, policy or other insurance or source.

(10) The term "without regard to fault" means irrespective of fault as a cause of any injury or death, and without application of the principle of liability based on negligence.

(11) The term "Secretary" means the Secretary of Transportation.

(12) The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone and American Samoa.

CONDITIONS OF OPERATION: REGISTRATION AND FEES

SEC. 4(a). After the effective date of this section, no person shall register a motor vehicle under the National Traffic and Motor Vehicle Safety Act of 1966, as amended, nor shall any person knowingly operate or use a motor vehicle upon the public streets, roads and highways of any State at any time unless—

(1) Such motor vehicle is insured under a policy of insurance which meets the requirements of section 5 of this Act, pursuant to such rules and regulation (including those determining the manner and term of proof of such insurance) as the Secretary shall lawfully prescribe.

(A) The requirements of this section may be satisfied by any person other than an individual by providing a surety bond, proof of qualifications as a self-insurer, or other securities affording security substantially equivalent to that afforded under section 5 of this Act, as determined and approved by the Secretary.

(b) No State shall require the purchase or acquisition of insurance or any other security as a condition to the operation or use of any motor vehicle upon the public streets, roads and highways of such State.

(c) The provisions of this section shall take effect one year and six months after the date of enactment of this Act.

(d) Any person who knowingly violates the provisions of subsection (a) of this section shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed $1,000, or imprisonment for a period of not to exceed one year, or both.

INSURANCE REQUIREMENTS

SEC. 5. In order to meet the requirements of Sec. 4(a) and (b) of this Act, an insurance policy shall provide—

(a) Net economic loss benefits for injuries and death as follows:

(1) Except as otherwise provided in paragraph (3), the insurer shall pay, without regard to fault, to any person, including the owner, operator or user of an insured motor vehicle, an amount equal to the net economic loss sustained by such person arising out of the operation or use of such motor vehicle.

(2) Except as otherwise provided in paragraph (3), the insurer shall pay, without regard to fault, to the legal representative of any person, including the owner, operator or user of an insured motor vehicle, whose death is the result of any injury arising out of the operation or use of such motor vehicle, for the benefit of the surviving spouse and any dependent (as defined in section 152 of the Internal Revenue Code of 1954) of such person, an amount equal to the net economic loss sustained by such spouse and dependent as a result of the death of such person;

(3) No payment shall be made for net economic loss sustained by—

(A) The occupants of another motor vehicle; or

(B) The operator or user of a motor vehicle while committing a felony, or operating or using with the specific intent of causing injury or damage, or operating or using a motor vehicle as a converter without a good faith belief that he is legally entitled to operate or use such vehicle.

(4) The operator or user of an insured motor vehicle shall be liable, without regard to fault, to reimburse the insurer of any motor vehicle for benefits payable to, or on behalf of, any person other than the operator or user described in paragraphs (A) and (B) of section 5(a)(4) for net economic loss arising out of the operation or use of such motor vehicle while—

(A) the operator or user was intoxicated, as defined in the Highway and Motor Vehicle Safety Act of 1966, as amended;

(B) the operator's or user's ability to operate or use such motor vehicle was impaired by the use of narcotic drugs, as defined in section 4731 of the Internal Revenue Code of 1954 (68A Stat. 557), including depressant and stimulant drugs, as defined in subsection (v) of section 201 of the Federal Food, Drug, and Cosmetic Act (79 Stat. 234, as amended);

(C) the operator or user committing or attempting to commit a felony; or

(D) the operator or user was operating or using such motor vehicle—

(i) with the specific intent of causing injury or damage; or

(ii) as a converter without a good faith belief that he was legally entitled to operate or use such vehicle.

(5) Payments for net economic loss shall be made as such loss is incurred except in the case of death: Provided, that amounts of such loss unpaid 30 days after the insurer has received reasonable proof of the fact and amount of loss realized, and demand for payment thereof, shall thereafter bear interest at the rate of 20 percent per annum.

(6) A claim for net economic loss based upon injury or death to a person who is not an occupant of any motor vehicle involved in an accident may be made against the insurer of any involved vehicle: Provided, That the insurer against whom the claim is asserted shall process and pay the claim as if wholly responsible: Provided, however, That such insurer is thereafter entitled to recover from the insurers of all other involved vehicles proportionate contribution for the benefits paid and the costs of processing the claim.

(7) Net economic loss sustained by any occupant, operator or user of a commercial motor vehicle shall be paid by the insurer of such commercial motor vehicle.

(8)(A) When one or more of the motor vehicles involved in an accident is larger than an ordinary passenger automobile, the insurer of the larger vehicle shall be responsible for a percentage of any net economic loss paid to occupants involved in the accident.

(8)(B) The Secretary shall classify, by rules and regulations in conformity with the Administrative Procedure Act, as amended, all motor vehicles larger than ordinary passenger automobiles into reasonable categories, and shall assign to each category a percentage of responsibility for net economic loss sustained by occupants of other vehicles: *Provided,* That such classifications and percentages of responsibility shall be based upon the increased severity of injury, caused by large vehicles in comparison to ordinary passenger automobiles: *Provided further,* That if a larger vehicle is liable for more than 70 percent of the net economic loss, such insurer may control the processing of any claims for such loss and be entitled to obtain contribution from insurers liable for the remainder of the benefits.

(9)(A) No owner, operator or user of an insured motor vehicle shall be liable for economic loss arising out of the operation or use of such vehicle, to any person to whom, or for the benefit of whom, insurance benefits are payable under the provisions of paragraphs (1) and (2) of subsection (a) of this section, or to whom payment is prohibited under the provisions of pargaraph (3) of subsection (a) of this section.

(9)(B) The owner, operator, or user of an insured motor vehicle shall be liable for damages for catastrophic harm, arising out of the negligent operation or use of such vehicle, only to the extent that such damages exceed economic loss.

(b) Optional castrophic harm insurance in excess of economic loss as follows—

(1) At the option of the insured, the insurer shall offer a provision for legal liability for catastrophic harm, arising out of the negligent operation or use of a motor vehicle, to a limit of, at least, $50,000 for any one person, and $300,000 for all persons in any one accident; and, at the option of the insured, the insurer shall offer a provision

undertaking to pay to the insured all sums, not in excess of the limits of liability provided by the insured's liability insurance, which such insured is legally entitled to recover as damages for catastrophic harm arising out of operation or use of an uninsured motor vehicle.

(c) Any such policy of insurance described in this section may contain—

(1) additional coverages and benefits with respect to any injury, death, property damage, or any other loss from motor vehicle accidents;

(2) terms, conditions and exclusions; consistent with the required provisions of such policy and approved by the Secretary, who shall only approve terms, conditions, exclusions, coverages and benefits which are fair and equitable, and which limit the variety of coverages available so as to give buyers of insurance reasonable opportunity to compare the cost of insuring with various insurers.

(d) An application for a policy of insurance described in subsection (a) of this section may not be rejected by an insurer, nor shall such policy of insurance once issued, be canceled or refused renewal, by an insurer except for (1) suspension or revocation of the license of an owner or principal operator to operate a motor vehicle, or (2) failure to pay the premium for such policy after reasonable demand therefor; *Provided*, That, 20 days written notice is given to the insured with respect to paragraphs (1) and (2) of this subsection.

UNIFORM STATISTICAL PLAN AND PRICE INFORMATION

SEC. 6(a). The Secretary shall, after consultation with the insurers and State insurance supervisory authorities, promulgate a common, uniform statistical plan for the allocation and compilation of loss experience data for each coverage under section 5 of this Act, and upon promulgation, such plan shall be followed by every insurer writing policies of insurance which meet the requirements of section 5 of this Act, and by every rating or advisory organization or statistical agent named by any such insurer to gather, compile or report loss experience data.

(b) Such statistical plan shall contain data pertaining to the pure loss experience for the classes of risk within each coverage under section 5 of this Act: Provided, however, That such plan shall not contain data pertaining to loss adjustment expenses, underwriting expenses, general administration expenses or other expense experience for any class of risk within the coverage under section 5 of this Act; Provided, further, That in carrying out the provisions of this section, no insurer, rating or advisory organization, or statistical agent, or any other association of insurers, shall pool, or in any manner combine, any such expenses or expense experience, or otherwise act in concert with respect thereto.

(c) Every insurer writing policies of insurance which meet the requirements of section 5 of this Act, and every rating or advisory organization or statistical agent named by such insurer to gather or compile loss experience data, shall report such data in accordance with the provisions of the statistical plan required by this section at such times and in such manner as the Secretary shall, by rules and regulations lawfully prescribe.

(d) The Secretary may require standard uniform and standard minimal—

(1) policy provisions for the coverages under section 5 of this Act;

(2) classes of risk within each coverage under section 5 of this Act;

to the extent that he deems it necessary to accomplish the purposes of the statistical plan required by this section.

(e) Every insurer writing policies of insurance which meet the requirements of section 5 of this Act, shall provide the Secretary with the actual rate or premium being charged for each class of risk within each coverage under section 5 of this Act at such times and in such manner as the Secretary shall by rules and regulations prescribe.

(f) From time to time, but not less than semi-annually, the Secretary shall analyze and freely and fully make available to the general public, with respect to every insurer writing policies of insurance which meet the requirements of section 5 of this Act, a comparison of such insurer's indicated rate based upon the loss experience data for each class of risk within each coverage with the actual rate or premium being charged by the insurer for such class or risk within such coverage.

ASSIGNED CLAIMS PLAN

Organization and maintenance

SEC. 7. (a) The Secretary shall, after consultation with the insurers and State insurance supervisory authorities, organize an assigned claims bureau and assigned claims plan in each State. Upon organization, each such bureau and plan shall be maintained, subject to regulation by the applicable State insurance supervisory authority, by the insurers authorized to write policies of insurance under section 5 of this Act in such State. In default of the continued maintenance of an assigned claims bureau and assigned claims plan in any State in a manner considered by the Secretary to be consistent with the provisions of this Act, the Secretary shall maintain such bureau and plan.

Costs of operation

(b) The costs incurred in the operation of each assigned claims bureau and assigned claims plan shall be assessed against insurers in each State by the applicable State insurance supervisory authority according to rules and regulations that assure fair allocations among such insurers writing policies of insurance under section 5 of this Act in the State, on a basis reasonably related to the volume of insurance under subsection (a) of section 5 of this Act.

Insurers required to participate

(c) Every insurer writing policies of insurance under section 5 of this Act is required to participate in the assigned claims bureau and assigned claims plan in each and every State in which such insurer is authorized to write such policies of insurance.

Persons entitled to claim through assigned claims plan; Benefits to which entitled

(d) Each person suffering loss because of injury or death arising out of the ownership, operation or use of a motor vehicle may obtain the insurance benefits under subsection (a) of Section 5 of this Act through the assigned claims bureau and assigned claims plan in the State in which such person resides if—

(1) no such insurance benefits are applicable to the injury or death; or

(2) no such insurance benefits applicable to the injury or death can be identified; or

(3) the only identifiable insurance benefits under subsection (a) of section 5 of this Act applicable to the injury or death are, because of financial inability of one or more insurers to fulfill their obligations, inadequate to provide such benefits.

Claims assigned to one insurer or the bureau

(e) A claim or claims arising from injury or death to one person sustained in one accident and brought through the applicable assigned claims plan shall be assigned to one insurer, or to the applicable assigned claims bureau, which after such assignment shall have rights and obligations as if having issued a policy of insurance containing the benefits under subsection (a) of section 5 of this Act.

Principle of assignment

(f) The assignment of claims shall be made according to rules and regulations that assure fair allocation of the burden of assigned claims among insurers doing business in the particular state or a basic reasonably related to the volume of insurance written under subsection (a) of section 5 of this Act.

Notification of bureau by claimant for assignment of his claim

(g) A person or his legal representative claiming through an assigned claims plan shall notify the applicable bureau of his claim within the time that would have been allowed for filing an action for the insurance benefits under subsection (a) of section 5 of this Act had there been in effect identifiable coverage applicable to the claim. The bureau shall promptly assign the claim and notify the claimant of the identity and address of the insurer to which the claim is assigned, or of the bureau if the claim is assigned to it. No action by the claimant against the insurer to which his claim is assigned, or against the bureau, if the claim is assigned to it, shall be commenced later than 60 days after receipt of notice of the assignment or the last date on which the action might have been commenced had it been against the insurer of identifiable coverage applicable to the claim, whichever is later.

Costs of assigned claims plan

(h) All reasonable and necessary costs incurred in the handling and disposition of assigned claims, including amounts paid pursuant to assessments under subsection (b) of this section may be considered in making the regulating rates for the insurance under subsection (a) of section 5 of this Act: Provided, however, That if such costs are considered in the rates or premiums for such insurance, the pure loss portion of such costs shall be reported separately under the uniform statistical plan provided for by section 6 of this Act, and that portion of the actual rate or premium being charged for such insurance attributable to the entire amount of such costs incurred in the handling and disposition of assigned claims shall be reported separately under subsection (e) of section 6 of this Act.

(i) An insurer who makes an assigned claims payment shall be reimbursed, without regard to fault, by the owner of a motor vehicle which was not insured under section 5(a) of this Act at the time of the accident out of which such assigned claim arose.

INSURERS' FRAUDULENT OR ARBITRARY DENIAL OF CLAIMS AND FRAUDULENT OR EXCESSIVE CLAIMS

SEC. 8. (a) Within the discretion of any court, a person making claim under a policy of insurance which meets the requirements of section 5 of this Act may be allowed an award of a reasonable sum for attorney's fee where the insurer's denial of all or part of the claim was fraudulent or so arbitrary as to have no reasonable foundation.

FRAUDULENT OR EXCESSIVE CLAIMS

(b) Within the discretion of any court, an insurer or any person who qualifies as a self-insurer under paragraph (A) of section 4 (a)(1) may be allowed an award of a reasonable sum as attorney's fee for its defense against a person making claim against such insurer or self-insurer where such claim was fraudulent or so excessive as to have no reasonable foundation, and such attorney's fee so awarded may be treated as an offset

against any benefits due or to become due to such person.

ADMINISTRATION

SEC. 9. In order to carry out the provisions of this Act, the Secretary shall—

(a) consult with representatives of State agencies charged with the regulation of the business of insurance, representatives of the private insurance business, and such other persons, organizations, and agencies of the Federal, State, or local governments as he deems necessary; and

(b) lawfully make, promulgate, amend, and repeal such rules and regulations as he deems necessary.

AUTHORIZATION AND APPROPRIATIONS

SEC. 10. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, including the organization of assigned claims bureaus and assigned claims plans in each State.

SEPARABILITY CLAUSE

SEC. 11. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the Act and the applicability thereof to other persons and circumstances shall not be effected thereby.

EFFECTIVE DATE

SEC. 12. This Act shall become effective one year after the date of enactment.

S. 4340

A bill to promote the greater availability of motor vehicle insurance in interstate commerce under more efficient and beneficial marketing conditions

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

DEFINITIONS

SEC. 2. As used in this Act—

(1) The term "insurer" means any enterprise engaged in the business of issuing or reinsuring motor vehicle insurance policies in interstate commerce or engaged in the business of issuing motor vehicle insurance that is reinsured (in whole or in part) in interstate commerce.

(2) The term "group insurance" means any plan of motor vehicle insurance offered or provided to members of a group not organized solely for the purpose of obtaining insurance, under the terms of a master policy or operating agreement between an insurer and the group sponsor, and incorporating group average rating, guaranted issue with or without minimum eligibility requirements, group experience rating, employer contributions, or any other benefit to the members as insureds that they may be unable to obtain in the ordinary channels of insurance marketing on an individual basis. The term "group sponsor" means the employer or other representative entity of an employment based group or the administrative representative of any other type of group.

(3) The term "interstate commerce" means trade or commerce among the several states, or between the District of Columbia or any possession of the United States and any state or other possession, or within the District of Columbia.

(4) The term "state" means any state or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(5) The term "Attorney General" means the Attorney General of the United States.

REMOVING RESTRICTIONS ON GROUP INSURANCE

SEC. 3. (a) No state shall—

(1) prohibit, inhibit, restrict or condition, by means of fictitious group statutes or regulations, agency licensing requirements, application of prohibitions of unfair discrimination, eligibility provisions, or otherwise, the issuance and marketing of group insurance; or

(2) penalize or deny authority to an insurer because of its engagement or intention to engage in the marketing and issuance of group insurance.

(b) No state or group of insurers operating voluntarily shall, directly or indirectly, include insureds under a plan of group insurance in the base used in determining assignments to or assessments upon an insurer under an assigned risk plan if such plan of group insurance precludes any individual underwriting by the insurer and if the group is not defined to exclude members characterized as being bad risks, unless the assigned risk plan provides a reasonable system of credit to the insurer for insureds under the group insurance plan who would otherwise be eligible for coverage under the assigned risk plan.

AUTHORIZATION OF PAYMENTS TO TRUST FUNDS

SEC. 5. Section 302(c) of the Labor Management Relations Act, 1947, is amended by inserting immediately before the semicolon at the end of Clause (A) of the proviso to Clause (5) the following: "including group insurance as defined by the Motor Vehicle Group Insurance Act."

ENFORCEMENT

SEC. 6. (a) Whenever it shall appear to the Attorney General that any person is engaged or is about to engage in any Acts or practices that constitute or will constitute a violation of the provisions of this Act, he shall bring an action in the proper district court of the United States to enjoin such acts or practices, and upon a proper showing, a permanent or temporary injunction or restraining order shall be granted.

(b) Nothing in this section shall preclude an insurer or any other person from instituting legal process to enforce their rights under this Act or from using the provisions of this Act as an otherwise valid defense in any relevant legal action brought against them.

JURISDICTION

SEC. 7. The district courts of the United States shall have exclusive jurisdiction of violations of this Act and of all suits brought to enforce it.

To the Committee on Finance:

S. 4341

A bill to amend the Internal Revenue Code of 1954, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 104(a)(3) of the Internal Revenue Code of 1954 (68A Stat. 30) is amended to read as follows:

"(3) amounts received through accident or health insurance, or property or liability insurance, for personal injuries or sickness (other than amounts received by an employee, to the extent such amounts (A) are attributable to contributions by the employer which were not includible in the gross income of the employee, (B) are paid by the employer); and"

SEC. 2. (a) The heading of Section 105 (68A Stat. 30) is amended by adding after the word "plans" the language "and property and liability plans."

(b) Section 105(a) (69A Stat. 30) is amended to read as follows:

"(a) Amounts attributable to employer contributions.—Except as otherwise provided in this section, amounts received by an employee through accident or health insurance, or property liability insurance for personal injuries or sickness shall be included in gross income to the extent such amounts (1) are attributable to contributions by the employer which were not includible in the gross income of the employee, or (2) are paid by the employer."

(c) Section 105(e) (68A Stat. 30) is amended to read as follows:

"(e) Accident and Health plans, and Property and Liability Plans.—

For purposes of this section and section 104—

"(1) amounts received under an accident or health plan, or property or liability plan for employees, and

"(2) amounts received from a sickness and disability fund, or property or liability plan for employees maintained under the law of a State, a Territory, or the District of Columbia, shall be treated as amounts received through accident or health insurance, property or liability insurance."

SEC. 3. (a) The heading of Section 106 (68 A Stat. 32) is amended by adding after the word "plans" the language "and property and liability plans."

(b) Section 106 (68A Stat. 32) is amended to read as follows:

"Gross income does not include contributions by the employer to accident or health plans, or property or liability plans for compensation (through insurance or otherwise) to his employees for personal injuries or sickness."

SEC. 4. Section 7701(20) (68A Stat. 911) is amended by adding after the comma which follows the words "accident and health plans" the language "or property or liability insurance or property or liability plans".

SEC. 5. The amendments made by sections 1, 2, 3, and 4 shall become effective on the date of enactment.

The charts and tables, presented by Mr. Hart, are as follows:

CHART 1. *Where each $100 of automobile bodily injury liability insurance premiums goes*

Claimants lawyers fees	$15.90
Litigation costs	1.90
Net benefits to claimants	40.40
Insurance company expenses	27.80
Claim adjusting expenses	14.00
State taxes	3.05
Overhead	5.25
Selling expenses	19.50

Source: Senate Antitrust & Monopoly Subcommittee: Derived from Bests Aggregates & Averages (ann. eds.), Spectator, U.S. Dept. of Transportation, Automobile Personal Injury Claims, pp. 73, 80 (1970), and Automobile Accident Litigation, p. 7 (1970).

CHART 2. *Breakdown of the $40.40 of net benefits to claimants out of each $100 of automobile bodily injury liability insurance premiums*

In excess of out-of-pocket loss (viz. general damages such as pain and suffering)	$19.80
Duplicate recovery	7.27
Out-of-pocket loss not otherwise compensated	13.33

Source: Senate Antitrust & Monopoly Subcommittee; Derived from Statement of Robert E. Keeton, Harvard Law School, Before the Subcommittee, Hearings on Automobile Insurance, December 9, 1969, and U.S. Dept. of Transportation, Economic Consequences of Automobile Accident Injuries (1970).

TABLE 1.—WHERE $37,000,000,000 OF AUTOMOBILE BODILY INJURY LIABILITY INSURANCE PREMIUMS WENT 1959-68

	Amount	Percent
Premiums (earned)	$37,000,000,000	100.0
Company expenses:		
Selling	$7,300,000,000	
Overhead	1,900,000,000	
State taxes	1,100,000,000	
Total	10,300,000,000	27.8

TABLE 1.—WHERE $37,000,000,000 OF AUTOMOBILE BODILY INJURY LIABILITY INSURANCE PREMIUMS WENT 1959–68—Continued

	Amount	Percent
Claim adjusting expenses	$5,100,000,000	14.0
Claimants, lawyers fees	5,900,000,000	15.9
Other litigation costs	700,000,000	1.9
Net benefits to claimants	15,000,000,000	40.4

Source: Senate Antitrust and Monopoly Subcommittee; Derived from Bests Aggregates and Averages (annual editions), Spectator, U.S. Department of Transportation, Automobile Personal Injury Claims, pp. 73, 80 (1970), and Automobile Accident Litigation, p. 7 (1970).

ABLE 2.—WHERE $15,200,000,000 OF AUTOMOBILE PROPERTY DAMAGE LIABILITY INSURANCE PREMIUMS WENT, 1959–68

	Amount	Percent
Premiums (earned)	$15,200,000,000	100
Company expenses:		
Selling	3,100,000,000	
Overhead	800,000,000	
State taxes	400,000,000	
Total	4,300,000,000	28
Claim adjustment expenses	1,800,000,000	12
Claimants' lawyers (estimated)	300,000,000	3
Available to claimants	8,800,000,000	57

Source: Senate Antitrust and Monopoly Subcommittee; Derived from Bests Aggregates and Averages (annual editions) and Spectator.

TABLE 3.—WHERE $17,600,000,000 OF AUTOMOBILE COLLISION DAMAGE INSURANCE PREMIUMS WENT 1959–68

	Amount	Percent
Premiums (earned)	$17,600,000,000	100
Company expenses:		
Selling	3,800,000,000	
Overhead	800,000,000	
State taxes	400,000,000	
Total	5,000,000,000	28
Claim adjustment expenses	1,500,000,000	9
Claimants' lawyers (estimate)	200,000,000	1
Available to policyholders	$10,900,000,000	62

Source: Senate Antitrust and Monopoly Subcommittee; Derived from Best Aggregates and Averages (annual editions) and Spectator.

TABLE 4.—WHERE $9,400,000,000 OF AUTOMOBILE FIRE, THEFT, AND COMPREHENSIVE DAMAGE INSURANCE PREMIUMS WENT 1959–68

	Amount	Percent
Premiums (earned)	$9,400,000,000	100
Company expenses:		
Selling	2,100,000,000	
Overhead	500,000,000	
State taxes	300,000,000	
Total	2,900,000,000	31
Claim adjustment expenses	700,000,000	7
Claimants' lawyers (estimate)	100,000,000	1
Available to policyholders	5,700,000,000	61

Source: Senate Antitrust and Monopoly Subcommittee; Derived from Bests Aggregates and Averages (annual editions) and Spectator.

TABLE 5.—AUTOMOBILE INSURANCE PREMIUMS WRITTEN AND LOSSES PAID, 1960–69

[Total amounts in billions]

	Auto bodily injury			Auto property damage			Auto physical damage			Total auto insurance		
	Premiums	Losses	Losses to premiums (percent)	Premiums	Losses	Losses to premiums (percent)	Premiums	Losses	Losses to premiums (percent)	Premiums	Losses	Losses to premiums (percent)
1960–64	$16.4	$8.5	51.9	$6.6	$3.8	56.9	$11.7	$6.4	54.5	$34.7	$18.6	53.7
1965–69	25.0	12.9	51.7	10.5	6.4	61.2	18.8	10.9	57.8	54.3	30.3	55.7
Total	41.4	21.5	51.8	17.1	10.2	59.5	30.5	17.3	56.6	89.0	48.9	54.9

TABLE 6.—COMPARISON OF SELECTED CONSUMER PRICE INDEXES, 1960–65, 1970 (JULY)

	All items	All services	Medical care	Auto repairs	Gasoline	Tires	Automobile insurance
1960	103.1	106.6	108.1	103.9	103.3	92.6	111.5
1965	109.9	117.8	122.3	112.6	106.0	99.8	130.5
1970 (July)	135.7	155.8	165.8	144.3	118.7	119.0	183.7

Note: Indexes base, 1957–59=100 percent.
Source: U.S. Department of Labor, Bureau of Labor Statistics.

TABLE 7.—SELECTED CONSUMER PRICE INDEXES RATE OF INCREASE 1970 (JULY) OVER 1960 AND 1965

[In percent]

	All items	All services	Medical care	Auto repairs	Gasoline	Tires	Automobile insurance
1970 (July) over 1965	23.5	32.3	35.6	28.2	11.9	19.2	40.8
1970 (July) over 1960	31.6	46.2	53.4	38.9	14.9	28.5	64.8

Note: 1970 over 1960—1.00=percent increase; same for 1970 over 1965.
Source: Senate Antitrust and Monopoly Subcommittee; derived from consumer price indexes. U.S. Department of Labor, Bureau of Labor Statistics.

S. 4344—INTRODUCTION OF LABORATORY ANIMAL WELFARE ACT AMENDMENTS OF 1970

Mr. CRANSTON. Mr. President, I introduce for appropriate reference, a bill to amend Public Law 89–544, an act of August 24, 1966, relating to the care of animals used for the purposes of research. I am pleased to announce that the distinguished senior Senator from Washington, (Mr. MAGNUSON) has joined as a cosponsor of this bill, which is entitled "Laboratory Animal Welfare Act Amendments of 1970."

The bill I introduce today is similar to two House bills, H.R. 13957 and H.R. 18637. There were hearings on H.R. 13957 on June 8 and 9, 1970. On July 27, 1970, H.R. 18637 was introduced as a working draft reflecting certain changes suggested in hearings and informal discussion. The bill I propose basically follows H.R. 18637 but contains additional changes, which I understand will be considered by the House Subcommittee on Livestock and Grains in its executive session tomorrow. My purpose in introducing this bill is to demonstrate interest and support for the legislation in this body, and to enable the Commerce Committee to commence its deliberative process with the hope of speeding consideration of the House bill when it is sent to this body.

Generally, this bill expands the provisions of the 1966 act to include exhibitors of animals, private or public, including zoos and circuses, and to dealers in the wholesale pet business. The bill elaborates in greater detail the standards to be promulgated and extends coverage to all warm-blooded animals. Research facilities, dealers, and exhibitors are required to maintain records of all dogs, cats, and animals not indigenous to the United States. Licensing of operators of dog and cat auction sales is provided.

The bill continues to exclude actual research and experimentation from the rules and regulations promulgated for animal welfare, although it does require that research facilities annually demonstrate compliance with professionally acceptable standards for animal care.

The bill specifically excludes local retail pet shops as well as State and county fairs, rodeos, and purebred dog and cat shows. Farm animals are not covered, nor are livestock and poultry used in agricultural related research.

There are new enforcement provisions covering penalties for persons who interfere with enforcement officials in the performance of their duties, and covering individuals who fail to obey a Department of Agriculture cease-and-desist order.

Mr. President, the unbelievable brutality we inflict on mammals and birds in the name of commerce, and recreation is a national disgrace. We stuff wild animals into small shipping crates and transport them without water, food, ventilation, or protection from the weather—always shipping too many in

callous deference to the fact that many die in passage. In the name of bringing the happiness of pets into our lives and the lives of our children, we turn God's creations into pieteous and abject creatures of fear and misery whose only recourse is to stare at man in sullen hatred and then to die.

Our roadside zoos demonstrate, not the wonders of nature, but the greed and indifference of man.

We terrorize animals into performing our bidding by inflicting physical pain and suffering with whips, electric shocks, heat, sharp hooks, loud noises—we pull out their teeth and claws—and then we talked euphemistically about trained animals and we applaud at the circus.

And if the poor animal tries to escape from the incredibly hostile environment we create for him, we beat him and often kill him.

Congress made an excellent start in 1966 with the passage of Public Law 89-544 which for the first time created Federal standards for animals destined for research laboratories. Clearly those same standards should be applied to exhibitors and dealers. That is the purpose of this legislation and I hope it will be possible to act favorably on this legislation in this session of Congress.

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

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

The bill (S. 4344) to amend the act of August 24, 1966, relating to the care of animals used for purposes of research, experimentation, exhibition, or held for sale as pets, introduced by Mr. CRANSTON (for himself and Mr. MAGNUSON), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 4344

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 "Laboratory Animal Welfare Act amendments of 1970."

SEC. 2. That the first 18 sections of the Act entitled "An Act to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs, cats and certain other animals intended to be used for purposes of research or experimentation, and for other purposes" approved August 24, 1966 (80 Stat. 350; 7 U.S.C. 2131 et seq.), are amended to read as follows:

"That, in order to protect the owners of animals from theft of their animals, to prevent the sale or use of animals which have been stolen, and to insure that certain animals intended for use in research facilities or for exhibition purposes or for use as pets are provided humane care and treatment, it is essential to regulate the transportation, purchase, sale, housing, care, handling, and treatment of such animals by persons or organizations engaged in using them for research or experimental purposes or for exhibition purposes or holding them for sale as pets or in transporting, buying, or selling them for any such purposes or use.

"SEC. 2. When used in this Act—

"(a) the term 'person' includes any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

"(b) the term 'Secretary' means the Secretary of Agriculture of the United States or his representative.

"(c) the term 'commerce' means trade, traffic, commerce or transportation among the several States, or between any State, territory, possession, or the District of Columbia, or the Commonwealth of Puerto Rico, and any place outside thereof; or between points within the same State, territory, or possession, or the District of Columbia, or the Commonwealth of Puerto Rico, but through any place outside thereof; or within any territory, possession, or the District of Columbia.

"(d) the term 'affecting commerce' means in commerce, or burdening or obstructing or substantially affecting commerce or the free flow of commerce, or having led or tending to lead to the inhumane care of animals used or intended for use for purposes of research, experimentation, exhibition, or held for sale as pets, by burdening or obstructing or substantially affecting commerce or the free flow of commerce.

"(e) the term 'research facility' means any school, institution, organization, or person that uses or intends to use animals in research, tests, or experiments, and that (1) purchases or transports animals affecting commerce, or (2) receives funds under a grant, award, loan, or contract from a department, agent, or instrumentality of the United States for the purposes of carrying out research, tests, or experiments.

"(f) the term 'dealer' means any person who for compensation or profit delivers for transportation, or transports, except as a common carrier, buys, or sells any animals, whether alive or dead, affecting commerce for research or teaching purposes or for exhibition purposes or for use as pets. The term 'dealer' as defined in this Act excludes local retail pet shops.

"(g) the term 'animal' means any live or dead dog, cat, monkey (nonhuman primate), guinea pig, hamster, rabbit, or such other warm-blooded animal, as determined by the Secretary, being used, or intended for use, for research, testing, experimentation, or exhibition purposes, or as pets; but not including livestock or poultry used or intended for use as farm animals for improving animals nutrition, breeding, management or production efficiency, or for improving the quantity or quality of food or fiber.

"(h) the term 'exhibitor' means any person (public or private) exhibiting any animals, which were purchased in commerce or the intended distribution of which animals affects commerce, or will affect commerce, to the public for compensation, as determined by the Secretary, and includes zoos exhibiting such animals whether operated for profit or not. The term 'exhibitor' as defined in this Act, excludes state and county fairs, rodeos, and purebred dog and cat shows.

"SEC. 3. The Secretary shall issue licenses to dealers and exhibitors upon application therefor in such form and manner as he may prescribe and upon payment of such fee established pursuant to section 23 of this Act: *Provided,* That no such license shall be issued until the dealer or exhibitor shall have demonstrated that his facilities comply with the standards promulgated by the Secretary pursuant to section 13 of this Act: *Provided, however,* That any local, retail pet shop or any person who derives less than a substantial portion of his income (as determined by the Secretary) from the breeding and raising of animals on his own premises and sells any such animals shall not be required to obtain a license as a dealer or exhibitor under this Act. The Secretary is further authorized to license, as dealers or exhibitors, persons who do not qualify as dealers or exhibitors within the meaning of this Act if such persons comply with the requirements specified above and agree, in writing, to comply with all the requirements of this Act and the regulations promulgated by the Secretary hereunder.

"SEC. 4. No dealer or exhibitor shall sell or offer to sell or transport or offer for transportation affecting commerce to any research facility or for exhibition or for use as a pet any animal, or buy, sell, offer to buy or sell, transport or offer for transportation affecting commerce to or from another dealer or exhibitor under this Act any animal, unless and until such dealer or exhibitor shall have obtained a license from the Secretary and such license shall not have been suspended or revoked.

"SEC. 5. No dealer or exhibitor shall sell or otherwise dispose of any dog or cat within a period of five business days after the acquisition of such animal or within such other period as may be specified by the Secretary.

"SEC. 6. Every research facility, and every exhibitor not licensed under section 3 of this Act, shall register with the Secretary in accordance with such rules and regulations as he may prescribe.

"SEC. 7. It shall be unlawful for any research facility to purchase any animal from any person except a person holding a valid license as a dealer or exhibitor issued by the Secretary pursuant to this Act unless such person is exempted from obtaining such license under section 3 of this Act.

"SEC. 8. No department, agency, or instrumentality of the United States which uses animals for research or experimentation or exhibition shall purchase or otherwise acquire any animal for such purposes from any person except a person holding a valid license as a dealer or exhibitor issued by the Secretary pursuant to this Act unless such person is exempted from obtaining such license under sections 3 of this Act.

"SEC. 9. When construing or enforcing the provisions of this Act, the act, omission, or failure of any person acting for or employed by a research facility, a dealer, or an exhibitor or a person licensed as a dealer or an exhibitor pursuant to the second sentence of section 3, within the scope of his employment or office, shall be deemed to be the act, omission, or failure of such research facility, dealer, exhibitor, or licensee as well as of such person.

"SEC. 10. Research facilities, dealers, and exhibitors shall make, and retain for such reasonable period of time as the Secretary may prescribe such records with respect to the purchase, sale, transportation, identification, and previous ownership of dogs, cats and animals not indigenous to the United States as the Secretary may prescribe, upon forms supplied by the Secretary. Such records shall be made available at all reasonable times for inspection and copying by the Secretary.

"SEC. 11. All animals included in section 10 of this Act or, in the case of small animals where individual identification is not feasible, as determined by the Secretary, groups of animals delivered for transportation, transported purchased or sold affecting commerce by a dealer or exhibitor shall be marked or identified at such time and in such humane manner as the Secretary may prescribe.

"SEC. 12. The Secretary is authorized to promulgate humane standards and record-keeping requirements governing the purchase, handling, or sale of animals, affecting commerce, by dealers, research facilities, and exhibitors at auction sales. The Secretary is also authorized to require the licensing of operators of auction sales, where dogs and cats are sold affecting commerce, under such conditions as he may prescribe, and upon payment of such fee as prescribed by the Secretary under section 23 of this Act.

"SEC. 13. The Secretary shall promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers, research facilities, and exhibitors. Such standards shall include minimum requirements with respect to handling,

housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperatures, adequate veterinary care, including appropriate use of analgesic or transquilizing drugs, and separation by species when the Secretary finds such separation necessary for the humane handling, care, or treatment of animals. In promulgating and enforcing standards established pursuant to this section, the Secretary is authorized and directed to consult experts, including outside consultants where indicated. Nothing in this Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders with regard to design, outline, guidelines or performance of actual research or experimentation by a research facility as determined by such research facility: *Provided, however*, That the Secretary shall require, at least annually, every research facility to show that professionally acceptable standards governing the care, treatment, and use of animals, including reference to the use of anesthetic, analgesic, and tranquilizing drugs, during experimentation are being followed by the research facility during actual research or experimentation.

"SEC. 14. Any department, agency, or instrumentality of the United States having laboratory animal facilities shall comply with the standards promulgated by the Secretary for a research facility under section 13. Any department, agency, or instrumentality of the standards promulgated by the Secretary under section 13.

"SEC. 15. (a) The Secretary shall consult and cooperate with other Federal departments, agencies, or instrumentalities concerned with the welfare of animals used for research, experimentation or exhibtion when establishing standards pursuant to section 13 and in carrying out the purposes of this Act.

"(b) The Secretary is authorized to cooperate with the officials of the various States or political subdivisions thereof in carrying out the purposes of this Act and the purposes of any State or local legislation or ordinance on the same subject.

"SEC. 16. (a) The Secretary shall make such investigations or inspections as he deems necessary to determine whether any dealer, exhibitor, research facility, or operator of an auction sale subject to section 12 of this Act, has violated or is violating any provision of this Act or any regulation or standard issued thereunder, and for such purposes, the Secretary shall, at all reasonable times, have access to the places of business and the facilities, animals, and records (as required in section 10 of this Act) of any such dealer, exhibitor, research facility, or operator of an auction sale. The Secretary shall promulgate such rules and regulations as he deems necessay to permit inspectors to confiscate or destroy in a humane manner any animal found to be suffering as a result of a failure to comply with any provision of this Act or any regulation or standard issued thereunder if (1) such animal is held by a dealer, (2) such animal is held by an exhibitor, (3) such animal is held by a research facility and is no longer required by such research facility to carry out the research, test, or experiment for which such animal has been utilized, or (4) such animal is held by an operator of an auction sale.

"(b) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be fined not more than $5,000, or imprisoned not more than three years or both. Whoever, in the commission of such acts, uses a deadly or dangerous weapon shall be fined not more than $10,000, or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this Act shall be punished as provided under sections 1111 and 1114 of title 18, United States Code.

"(c) For the efficient administration and enforcement of this Act, the provisions (including penalties of sections 6, 8, 9, and 10 of the Act entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914 (38 Stat. 721–723, as amended; 15 U.S.C. 46, 48, 49, and 50) (except paragraphs (c) through (h) of section 6 and the last paragraph of section 9), and the provisions of subsection 409(1) of the Communications Act of 1934 (48 Stat. 1096, as amended; 47 U.S.C. 409(1)), are made applicable to the jurisdiction, powers and duties of the Secretary in administering and enforcing the provisions of this Act and to any person, firm, or corporation with respect to whom such authority is exercised. The Secretary may prosecute any inquiry necessary to his duties under this Act in any part of the United States, including any territory, or possession thereof, the District of Columbia, or the Commonwealth of Puerto Rico. The powers conferred by said sections 9 and 10 of the Act of September 26, 1914, as amended, on the district courts of the United States may be exercised for the purposes of this Act by any district court of the United States. The United States district courts, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States Courts of the other territories, are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of this Act, and shall have jurisdiction in all other kinds of cases arising under this Act, except as provided in sections 19(b) and 20(b) of this Act.

"SEC. 17. The Secretary shall promulgate rules and regulations requiring dealers, exhibitors, research facilities, and operators of auction sales subject to section 12 of this Act, to permit inspection of their animals and records at reasonable hours upon request by legally constituted law-enforcement agencies in search of lost animals.

"SEC. 18. Not later than March of each year following the enactment of this Act, the Secretary shall submit to the President of the Senate and Speaker of the House of Representatives a comprehensive and detailed written report with respect to—

"(1) the identification of all research facilities, exhibitors, and other persons and establishments licensed by the Secretary under section 3 and section 12 of this Act;

"(2) the nature and place of all investigations and inspections conducted by the Secretary under section 16 of this Act, and all reports received by the Secretary under section 13 of this Act; and

"(3) recommendations for legislation to improve the administration of this Act or any provision thereof."

SEC. 3. Section 19 of the Act of August 24, 1966 (7 U.S.C. 2149) is amended to read as follows:

"SEC. 19. (a) If the Secretary has reason to believe that any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act, has violated or is violating any provisions of this Act, or any of the rules or regulations or standards promulgated by the Secretary hereunder, he may make such order that such person shall cease and desist from continuing such violation, and if such person is licensed under this Act, the Secretary may also suspend such person's license temporarily, but not to exceed twenty-one days, and after notice and opportunity for hearing, may suspend for such additional period as he may specify or revoke such license, if such violation is determined to have occurred. Any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act, who knowingly fails to obey a cease and desist order made by the Secretary under this section, shall be subject to a civil penalty of $500 for each offense, and each day during which such failure continues, shall be deemed a separate offense.

"(b) Any dealer, exhibitor, or operator of an auction sale aggrieved by a final order of the Secretary issued pursuant to subsection (a) of this section may, within sixty days after entry of such an order, seek review of such order in the United States court of appeals for the circuit in which such person has his principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, in accordance with the provisions of sections 701–706 of title 5, United States Code. Judicial review of any such order shall be upon the record upon which the final determination and order of the Secretary were based.

"(c) Any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act, who violates any provision of this Act shall, on conviction thereof, be subject to imprisonment for not more than one year, or a fine of not more than $1,000, or both."

SEC. 4. Subsection (a) of section 20 of the Act of August 24, 1966 (7 U.S.C. 2150(a)) is amended by inserting "or standards" after "regulations" in the place where such word appears.

SEC. 5. Subsection (b) of section 20 of the Act of August 24, 1966 (7 U.S.C. 2150(b)) is amended to read as follows:

"(b) Any research facility aggrieved by a final order of the Secretary, issued pursuant to subsection (a) of this Act, may within sixty days after entry of such order, seek review of such order in the United States court of appeals for the circuit in which such research facility has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, in accordance with the provisions of sections 701–706 of title 5, United States Code. Judicial review of any such order shall be upon the record upon which the final determination and order of the Secretary were based."

SEC. 6. The amendments made by this Act shall take effect one year after the date of enactment of the Act, except that the amendments made by section 2 of this Act to sections 16, 17, 19, and 20 of the Act of August 24, 1966 (7 U.S.C. 2146, 2147, 2149, and 2150), which shall become effective thirty days after enactment of this Act.

ADDITIONAL COSPONSORS OF BILLS

S. 39

Mr. HANSEN. Mr. President, last year I introduced S. 39, a bill to authorize the Secretary of the Interior to sell, under certain circumstances, mineral rights which have been reserved by the Federal Government to the individual who owns the surface rights which were patented under the Stockgrazing Homestead Act.

Mr. President, the Interior Committee has acted on other bills which would provide a sale of the mineral rights in specific cases. Those of us who represent public land States know that these problems often occur and justice and equity often require the transfer of the mineral rights to the surface owner.

It would be much more efficient to provide a general framework to transfer these mineral rights. I believe S. 39 provides the necessary general framework and a system of checks to insure that this power of the Secretary is not abused.

Mr. President, I am proud that three of my colleagues on the Senate Interior Committee have asked to cosponsor S. 39. I ask unanimous consent that, at

the next printing, the Senator from Nevada (Mr. BIBLE), the Senator from Arizona (Mr. FANNIN), and the Senator from Idaho (Mr. CHURCH) be added as cosponsors of the bill.

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

S. 3311

At the request of the Senator from Maryland (Mr. TYDINGS), the Senator from New York (Mr. JAVITS), the Senator from Texas (Mr. YARBOROUGH) were added as cosponsors of S. 3311, the crime insurance bill, to assure the availability of crime insurance at reasonable rates to homeowners and shopkeepers.

S. 3785

Mr. FANNIN. Mr. President, on behalf of the Senator from Colorado (Mr. DOMINICK), I ask unanimous consent that, at the next printing, the name of the Senator from Illinois (Mr. SMITH), be added as a cosponsor of S. 3785, to amend title 38, United States Code, to authorize educational assistance and home loan benefits to wives of members of the Armed Forces who are missing in action or prisoners of war.

The PRESIDING OFFICER (Mr. NELSON). Without obligation, it is so ordered.

S. 3795

Mr. FANNIN. Mr. President, on behalf of the Senator from Colorado (Mr. DOMINICK), I ask unanimous consent that, at the next printing, the name of the Senator from Illinois (Mr. SMITH) be added as a cosponsor of S. 3795, to amend the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, in order to extend under certain circumstances the expiration date specified in a power of attorney executed by a member of the Armed Forces who is missing in action or held as a prisoner of war.

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

S. 3960

At the request of the Senator from Maryland (Mr. TYDINGS), the Senator from California (Mr. CRANSTON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wisconsin (Mr. NELSON), the Senator from Oregon (Mr. PACKWOOD), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Texas (Mr. YARBOROUGH), were added as cosponsors of S. 3960, the Mass Transportation Financing Act, a bill to provide States the option of using Highway Trust Fund money for mass transit purposes.

S. 4055

At the request of the Senator from Kentucky (Mr. COOPER), the Senator from Vermont (Mr. PROUTY), and the Senator from New Mexico (Mr. MONTOYA), were added as cosponsors of S. 4055, the administration's proposed Federal-Aid Highway Act of 1970.

S. 4106

At the request of the Senator from West Virginia (Mr. BYRD), the Senator from Alaska (Mr. GRAVEL) and the Senator from Oregon (Mr. PACKWOOD) were added as cosponsors of S. 4106, to amend the Public Health Service Act in order to provide for the establishment of a National Health Service Corps.

SENATE RESOLUTION 460—RESOLUTION REPORTED AUTHORIZING THE COMMITTEE ON BANKING AND CURRENCY TO EXPEND ADDITIONAL FUNDS

Mr. SPARKMAN, from the Committee on Banking and Currency, reported the following original resolution (S. Res. 460); which was referred to the Committee on Rules and Administration:

S. RES. 460

Resolved, That the Committee on Banking and Currency is hereby authorized to expend from the contingent fund of the Senate, during the Ninety-first Congress, $5,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT—AMENDMENTS

AMENDMENT NO. 897

Mr. BYRD of West Virginia. Mr. President, at the request of the able Senator from Nevada (Mr. CANNON), I am asked to state that he will propose an amendment in the nature of a substitute to Senate Joint Resolution 1. The Senator from Nevada (Mr. CANNON) will introduce and speak in behalf of his substitute later in the week. At this time, in order that Senators may study the proposed substitute, I ask unanimous consent, on behalf of the Senator from Nevada (Mr. CANNON), that the substitute be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. NELSON). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 897) is as follows:

AMENDMENT NO. 897

Strike out all after the enacting clause and insert in lieu thereof the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by three-fourths of the legislatures of the several States:

"Article —

"SECTION 1. The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as provided in this article. No person constitutionally ineligible for the office of President shall be eligible for the office of Vice President.

"SEC. 2. The President and Vice President shall be elected by the people of the several States and the District of Columbia. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, except that the legislature of any State may prescribe lesser qualifications with respect to residence therein. The electors in the District of Columbia shall have such qualifications as the Congress may prescribe. The places and manner of holding such election in each State shall be prescribed by the legislature thereof, but the Congress may at any time by law make or alter such regulations. The place and manner of holding such election in the District of Columbia shall be prescribed by the Congress. The Congress shall determine the time of such election, which shall be the same throughout the United States. Until otherwise determined by the Congress, such election shall be held on the Tuesday next after the first Monday in November of the year preceding the year in which the regular term of the President is to begin.

"SEC. 3. Each State shall be entitled to a number of electoral votes equal to the whole number of Senators and Representatives to which such State may be entitled in the Congress. The District of Columbia shall be entitled to a number of electoral votes equal to the whole number of Senators and Representatives in Congress to which such District would be entitled if it were a State, but in no event more than the least populous State.

"SEC. 4. Within forty-five days after such election, or at such time as Congress shall direct, the official custodian of the election returns of each State and the District of Columbia shall make distinct lists of all persons for whom votes were cast for President and the number of votes cast for each person, and the total vote cast by the electors of the State or the District for all persons for President, which lists he shall sign and certify and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. On the 6th day of January following the election, unless the Congress by law appoints a different day not earlier than the 4th day of January and not later than the 10th day of January, the President of the Senate shall, in the presence of the Senate and House of Representatives, open all certificates and the votes shall then be counted. Each person for whom votes were cast for President in each State and the District of Columbia shall be credited with such proportion of the electoral votes thereof as he received of the total vote cast by the electors therein for President. In making the computation, fractional numbers less than one one-thousandth shall be disregarded. The person having the greatest aggregate number of electoral votes of the States and the District of Columbia for President shall be President, if such number be at least 40 per centum of the whole number of such electoral votes. If no person has received at least 40 per centum of the whole number of such electoral votes, or if two persons have received an identical number of such electoral votes which is at least 40 per centum of the whole number of electoral votes, then from the persons having the two greatest numbers of such electoral votes for President, the Senate and the House of Representatives sitting in joint session shall choose immediately, by ballot, the President. A majority of the votes of the combined membership of the Senate and House of Representatives shall be necessary for a choice.

"SEC. 5. The Vice President shall be likewise elected, at the same time, in the same manner, and subject to the same provisions as the President.

"SEC. 6. The Congress may by law provide for the case of the death of any of the persons from whom the Senate and the House of Representatives may choose a President whenever the right of choice shall be devolved upon them, and for the case of death of any of the persons from whom the Senate and the House of Representatives may choose a Vice President whenever the right of choice shall have devolved upon them. The Congress shall have power to enforce this article by appropriate legislation.

"SEC. 7. The following provisions of the Constitution are hereby repealed: paragraphs 1, 2, 3, and 4 of section 1, article II; the twelfth article of amendment; section 4 of the twentieth article of amendment; and the twenty-third article of amendment.

"SEC. 8. This article shall take effect on the 1st day of February following its ratification, except that this article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the

legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress.".

AMENDMENTS NOS. 898, 899, AND 901

Mr. ERVIN submitted three amendments, intended to be proposed by him, to 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, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 900

Mr. ERVIN (for himself, Mr. COOPER, and Mr. MCGEE) submitted an amendment, intended to be proposed by them, jointly, to Senate Joint Resolution 1, supra, which was ordered to lie on the table and to be printed.

AGRICULTURAL ACT OF 1970—AMENDMENT

AMENDMENT NO. 902

Mr. MONDALE (for himself, Mr. MONTOYA, Mr. PROXMIRE, Mr. HARRISON, Mr. MCGOVERN, Mr. YARBOROUGH, Mr. HUGHES, Mr. ANDERSON, Mr. NELSON, Mr. SYMINGTON, Mr. EAGLETON, Mr. GORE, Mr. BURDICK, Mr. HARTKE, and Mr. BAYH) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 18546) to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes, which was ordered to lie on the table and to be printed.

(The remarks of Mr. MONDALE when he submitted the amendment appear later in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 756 TO H.R. 17550

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from New Jersey (Mr. WILLIAMS), I ask unanimous consent that, at the next printing, the Senator from Maryland (Mr. TYDINGS) be added as a cosponsor of Amendment No. 756 to H.R. 17550, to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

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

ADDITIONAL STATEMENTS OF SENATORS

LEGISLATION REMAINING BEFORE SINE DIE ADJOURNMENT

Mr. SCOTT. Mr. President, in his message to Congress last Friday, President Nixon has made an eloquent call for cooperation between the executive and legislative branches. I would urge Senators—both on the Democratic side and on the Republican side of the aisle—to give this message careful thought. The President has asked for bipartisan consideration of his legislative program. It will serve no useful purpose if Congress reacts to this message in a partisan manner.

In truth, the President has been quite fair in pointing out those pieces of legislation which Congress has enacted. Particularly notable are the Tax Reform Act of 1969, the Economic Opportunity Act, the Postal Reorganization Act, and the Employment Security Amendments of 1970. All of these bills are fully qualified for the title "landmark legislation" and Congress can be justly proud of its role in bringing them to fruition.

In his message the President also points out the other meaningful legislation on which Congress has cooperated fully with the executive branch. Congress consented to the President's executive reorganization plan which provided for the establishment of the new Office of Management and Budget and the Domestic Council. It approved the President's proposal for the Commission on Population Growth and the American Future, and that Commission is now in operation.

Other major bills Congress has passed are the Emergency Home Finance Act and two pieces of legislation in the critical area of crime: the District of Columbia Court Reform and Criminal Procedure Act and an amendment to the Federal Youth Corrections Act which will provide more effective methods for dealing with young people in the Federal criminal justice system.

Finally, Congress just last week sent to the President for his signature the District of Columbia nonvoting delegate bill. This legislation is not a final remedy for the serious problems of the District of Columbia—that the President has called one of the truly unacceptable facts of American life—but it is a first and necessary step.

All of the bills I have mentioned are proposals put forth by the President on which my Senators have worked hard and diligently—both in committee and on the floor of the Senate. In his message, the President has commended Members for their action and to that I would like to add my personal thanks. Both the President and I recognize full well that most of this legislation would not have passed Congress without bipartisan support.

President Nixon has also noted in Friday's message some of the areas in which he has been able to achieve reforms by Executive action. Particularly in the field of education, the administration has created the Office of Child Development within HEW; the President's Commission on School Finance is now examining the problems associated with financial support to schools; the right to read has been established as a prime educational goal and a National Reading Council has been appointed to monitor the Nation's progress toward that goal.

However, my colleagues understand full well that under our system of government the reforms a President can make by Executive action are extremely limited. Major reforms require the consent of Congress. As the President noted, in an era when reform is so urgent, it is time now to act.

In his message the President mentioned the Federal Economy Act. I shall now discuss that proposal in some detail because I believe it is a good illustration of the dilemma which the President has addressed.

In his Federal Economy Act message in February of this year President Nixon listed 57 actions which could be taken to reduce unnecessary Federal spending. These changes would have saved $2.1 billion in fiscal year 1971. Of the total of 57 reductions, the President estimated that 42 could be taken by Executive action; the remaining 15 would require congressional action.

Despite prodding by the President last month, the record of Congress on the Federal Economy Act—as compared with that of the administration—is not good. In those areas where the President has been free to act he has accomplished 100 percent of the savings planned. However, more than half of the changes which require congressional action have not been put into effect. Further, the Congress is blocking over $170 million of the savings which the President proposed to achieve by executive action. Overall, the Congress is not acting on over $700 million in savings, or one-third of the President's proposals.

As an example, one item in the Federal Economy Act was the disposition of the Alaska Railroad. The administration has estimated that $100 million could be realized from the sale of the Alaska Railroad, which has become an attractive investment in light of the rapid development now taking place in Alaska. Bills to authorize this sale are pending in the Commerce Committees of both Houses of Congress—yet no hearings have been held in either committee.

Some Senators may have good reasons why the Federal Government should continue to subsidize the Alaska Railroad and not realize this $100 million saving. But I believe all will agree that the idea has sufficient merit to at least be considered in committee.

In a larger sense, consideration is what the President asked for Friday. Consideration of his legislative program. All Senators will not agree with that program—in fact, many will disagree very loudly—but that is not the point. The President's proposals deserve to be aired in free and open discussion. In the arena which only Congress can provide.

Mr. President, I would ask Senators to consider now some of the ideas which the President has proposed and Congress has not disposed.

At a time when the average American citizen is more concerned about crime than almost any other issue, Congress has had legislation to deal with this problem before it for almost a year, but has acted only on two of the President's bills. This fact might be understandable

if Congress had proposed its own legislation in this area—but it has not done so.

The administration has proposed the Controlled Dangerous Substances Act, the Organized Crime Control Act, wagering tax amendments, Bail Reform Act amendments, the Protection of Minors From Obscenity Act and the Prohibition of Transportation of Salacious Advertising Act, the Criminal Justice Act amendments, the omnibus crime control and safe streets amendment, and the explosives regulation proposals and amendments.

The President has asked for this legislation, the American people have clearly let it be known that they want such protection—but still there has been no action from the House of Representatives, although the Senate has disposed of almost all of the crime legislation proposals of major concern. Consider—among bills not yet enacted by Congress—the importance of the explosives regulation proposals and amendments, which would regulate the business of importing, manufacturing, or dealing in explosives and prohibit the purchase of explosives by mail.

Today bombings and the resulting deaths of innocent bystanders have become almost commonplace in America. Yet Congress has had the legislation necessary to control such acts of violence on its back shelf for almost a full year. Is it any wonder that public opinion polls show that American opinion of the Congress is at the lowest point in 5 years?

Another area of great concern to the American citizen is consumer protection. The President has sent to Congress the Consumer Representation Act, the Consumer Protection Act, the Consumer Product Testing Act, the Drug Identification Act, and the Consumer Warranty Act. Again, almost a year has passed, but not one of these bills, except a modified warranty bill passed by the Senate, has been acted on by either body of Congress.

The President has proposed legislation to create an Occupational Health and Safety Board, the Employee Benefits Protection Act, the Equal Employment Opportunity Enforcement Act, the Emergency Public Interest Protection Act, and the establishment of a National Special Industries Commission. Congress has not passed any of this proposed legislation.

In the vital field of education the administration has—as I have already noted—taken certain steps by executive action to achieve reforms. But much wider reform is needed here, and this will require action by Congress. In two major messages last March the President sent up a program for reform of elementary and secondary education and for reform of higher education. It is time now for Congress to consider the President's proposals for a National Institute of Education, the emergency school aid program, the National Student Loan Association, and the National Foundation for Higher Education.

The same holds true for the President's urban affairs proposals. The Senate has passed a bill which is similar to the President's Urban Mass Transportation Assistance Act but the House has not acted. Neither body of the Congress has acted on the Housing and Urban Development Act of 1970.

In the field of foreign trade neither the House or Senate has acted on the Trade Act of 1969. The Merchant Marine Act amendments have been passed by the House but still await Senate action.

In his message to Congress Friday, President Nixon said:

> The most neglected and the most rapidly deteriorating aspect of our national life is the environment in which we live.

The President has taken a number of executive actions designed to improve the quality of our environment but a great many of his proposals require congressional action, and they are still pending before the legislature.

It has not been my intention to bore the Senate today with the long lists of pending legislation which I have recounted. It was rather to impress upon the Senate the sheer bulk of the President's proposals we have not acted upon. In many cases, the need for this legislation cannot be doubted. As one example, the social security amendments proposed by the President, which would provide an automatic cost-of-living adjustment in social security amendments so that our elderly citizens will not be hurt by inflation they could do nothing to either prevent or to avoid. This legislation has passed the House but still awaits action in the Senate.

Other administration proposals before Congress include the Revenue Sharing Act of 1969 and the Manpower Training Act, which will be historic milestones if they are passed.

Whether we are dealing with basic reforms or broad questions of public policy, the fact remains that there is much to be done and time is slipping away. While it may be convenient to postpone or stall this legislation, that is not in the public interest and it is not why the voters of our States have sent us to Congress.

President Nixon has recognized that America is in an era of change. He has sent to Congress proposed legislation that will help cope with that change and it is now up to us to prove that we too can change—that we can provide leadership rather than being dragged by the heels into the decade of the 1970's.

The President expressed this thought better than I at the end of his call for cooperation, when he said:

> Matters press, we cannot wait for politics. We must seek a record of achievement all can share. It may be that none of us knows how fateful the outcome will prove.

Mr. President, as I indicated last Thursday during the discussion of the schedule of business, there may be other measures than those already scheduled which should be acted upon. The President has now listed a number of these proposals which he hopes Congress will consider.

I am realistic enough to realize that all of the unacted upon measures cannot be considered if we are to adjourn sine die in mid-October. It would, I feel, be possible to act on some of the measures requested by the President.

Accordingly, I ask the ranking members of all standing committees to attempt through the chairmen of the committees, to give consideration toward moving to the Senate floor as many of the President's proposals as possible.

In addition, I have asked all ranking minority members of the standing committees to give me by Wednesday their best estimate as to how many, if any, of the unacted upon measures in the President's message can be sent to the Senate for action, either by mid-October or, if we should be unfortunate enough to have to return, between mid-November and Christmas.

I think that I should point out that a considerable share of the proposals listed by the President either have already been passed by this body or are scheduled for action under the schedule announced last week by the majority leader.

As was mentioned last Thursday a number of times, while much remains to be done, with cooperation and diligence to our duties and by working long hours I, being the eternal optimist, feel we can, with discipline, meet the sine die adjournment date of mid-October.

URBAN GROWTH POLICY

Mr. MUSKIE. Mr. President, the August–September 1970, issue of City, the bimonthly magazine of the National Urban Coalition, contains a thought-provoking article by Donald Canty entitled "What Is This Thing Called Urban Growth Policy?" As its editor, Mr. Canty has sought to make City a more effective instrument of urban improvement. As a writer, Mr. Canty has told us what an "urban growth policy" is not and cautions us that it may be an idea whose time has come—and already is passing.

Mr. President, because of the perceptiveness of Mr. Canty's remarks, I ask unanimous consent that his article be printed in the RECORD.

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

WHAT IS THIS THING CALLED URBAN GROWTH POLICY?

The concept of a national urban growth policy may be an idea whose time has finally come—and is rapidly going. It began entering the public and political consciousness a scant two years ago (in large part because of the efforts of an ad hoc group of government officials and others called the National Committee on Urban Growth Policy; the oratorical interest of then-Agriculture Secretary Orville Freeman in achieving something called "urban-rural balance"; and a diligently researched, if less-than-lucidly expressed, report by the Advisory Commission on Intergovernmental Relations).

The idea reached its apogee early this year when it showed up first in the President's State of the Union Message and then in legislation bearing such sterling Democratic names as those of Senators Muskie and Sparkman. The Administration, it became known, was busily preparing legislation of its own. Enthusiastic expressions of support for urban growth policy came from Secretaries Romney of HUD and Stans of Commerce (see City for June–July).

Since then, interest in the idea has perceptibly subsided. The Administration made no secret of its distaste for the Democratic bill (principally sponsored in the House by

Rep. Thomas Ludlow Ashley of Ohio)—and, in late spring, let word out that there would be no Administration alternative offered this year. The reasons for the subsidence, which also was manifested in some skeptical commentaries in the press, were not entirely clear; but, in addition to political and economic considerations, they seemed to include overenthusiasm on the part of some proponents of the idea, obfuscation by some opponents, and a consequent confusion over just what this thing called urban growth policy might be, do, and cost.

It will be argued here that the idea is eminently worth reviving; that, indeed, the stakes riding on it are very high in terms of the nation's future. The first step in its revival must be the clearing away of the general confusion. A good place to start is by examining some of the things which an urban growth policy needs to do to significantly alter the future, and some of the things it is not.

First among the goals of an urban growth policy must be the opening of new options and opportunities for the poor and minorities.

The growth period just past—wartime to midcentury—has effectively diminished these options and opportunities.

The developmental history of the period is depressingly familiar in this respect. Both economic and population growth have occurred mainly in the suburbs. Yet the poor have been priced out of the suburbs and the minorities kept out by an ingenious variety of exclusionary devices. Combined with waves of rural-to-metropolitan migration, the result has been the continual and seemingly inexorable spread of slums and ghettos in the central cities—and our present metropolitan condition of de facto apartheid. Three-fourths of the nation now shares the precarious and unpleasant experience of living in a house divided.

A second goal of urban growth policy must be the less profligate use of natural resources—notably air, water, and land. We are at last awakening to the degree to which past growth has wasted and polluted these resources. The fact needs no elaboration; it is part of the daily life experience of the same three-fourths of the nation and is spreading to plague the rest.

A third goal must be to create a living environment that is more efficient and more nourishing to both body and spirit. The environment built in the process of past growth is perhaps the most unlovely agglomeration of unrelated objects ever assembled by civilized man. It not only assaults the eye; it also doesn't work, not even for those of a suitable color and degree of affluence to seek the satisfactions of suburbia. For all but the most affluent metropolitan Americans, choices of living arrangements involve a series of tradeoffs in which the price of convenience and amenity can be very high indeed.

For example, the choice of a suburban house and garden means leaving behind the kind of cultural, educational, and even medical facilities which only city-size concentrations of population can support. It also means, most often, a long commute on clogged highways or laggardly public transportation.

There are known ways, ways used for generations in other nations, to lower these prices and make the tradeoffs less painful. They involve something called planning, which in America has been a paper exercise, divorced from the realities of both development and politics. For the sakes of the built and the natural environment, then, a major goal of urban growth policy must be to make planning possible.

The following are some of the things which an urban growth policy designed to meet these goals is not.

1. *It is not simply a settlement policy.* Former Secretary Freeman, in his quest for "urban-rural balance," and Secretary Stans, in his warnings against the prospect of "an anthill society," essentially were arguing for a policy that would stem urban growth and divert population elsewhere.

Implicit in their and others' arguments was the traditional Jeffersonian-American view that the city is a place of evil, an unnatural and destructive environment for man. They expressed concern for the city, but mainly in terms of preventing its inundation by migration. Secretary Freeman advocated slowing this migration at its rural source by inducing growth in small nonmetropolitan communities. The Advisory Commission on Intergovernmental Relations also placed considerable stress on this approach, which it termed the creation of "alternate growth centers." Such an approach could properly be part of an urban growth policy, but not the whole. For one thing, experience elsewhere indicates that only limited success can be expected of any effort to put a lid on the growth of major metropolises. Britain, with its long and distinguished planning history, has not succeeded in stopping London from growing; and Russia, with its centralized state powers, has experienced similar frustration in respect to Moscow.

Also, migration has ceased to be the problem for the cities that it was in postwar decades. The Census Bureau, in fact, tells us that migration from the rural South to the urban North has almost entirely ceased.

But the major reason for distinguishing between a settlement policy and an urban growth policy that would meet the above goals is that a settlement policy would deal only with *where* growth occurs. The more crucial matters are *how* it occurs in terms of environmental quality and *whom* it serves. Without these qualitative and social components, a settlement policy could merely result in re-creation of the waste and divisiveness of past growth in new locations.

2. *An urban growth policy is not a "new towns" program.* When the National Committee on Urban Growth Policy released its report, the recommendation that dominated press attention was for "the creation of 100 new communities averaging 100,000 population each and 10 new communities of at least 1 million in population." The committee made clear that its specifications for the new communities would include the qualitative and social factors previously cited.

But the committee also had to admit that even its ambitious new-communities program would only accommodate 20 per cent of the growth anticipated in the remainder of this century. Once again, the fact must be accepted that most of this growth will occur in or around present metropolitan areas.

Like "alternate growth centers," then, new communities can only be expected to be a partial solution, not the whole of urban growth policy.

3. *An urban growth policy is not a public works program.* The question it addresses is not *whether* we build enough housing and other community facilities for the population increment in the coming decades of growth. Rather, such a policy addresses the aforementioned questions of *where, how, and for whom* we build.

This distinction impacts heavily upon the further question of what an urban growth policy would cost.

The Administration explained its decision to defer urban growth legislation on the grounds of economy. However, a HUD official acknowledged that no particular policy proposals had been "costed out" in detail, and that the decision was based mainly on concern for the "psychological impact" of introducing large new ideas at this inflationary moment in history.

Similarly, the Administration based its opposition to the Democratic bill on grounds that it would cost $22 billion. But an assiduous survey of HUD and White House sources by this magazine turned up no computation on which this figure had been based.

What would be the costs of an urban growth policy adequate to meet the goals above? Clearly no answer can be ventured without drafting such a policy in detail, which is a task beyond the purview of this essay.

But some general points about cost can be made.

In any computation, a careful breakdown must be made between those costs which the nation would face anyway and those which could be directly assigned to the urban growth policy in question. Thus, the matter of whether the nation meets its housing deficits and commitments, particularly for the poor, is not a matter of whether or not the nation has an urban growth policy.

The second point relates to the crucial resource of land. It is difficult to conceive how an urban growth policy could meet all of these goals without more direct and positive public involvement in land deployment. Until now, we have relied mainly on negative devices, such as zoning, to assert the public interest in the way land is used, and to make planning possible. The present metropolitan environment is sufficient evidence of the failure of this approach.

There is a growing body of opinion that the only way the public can effectively influence the deployment of land—and thus the course of future urban development—is to own it. The National Committee on Urban Growth Policy proposed a system by which states (or state-chartered agencies) would buy land in the path of urban growth with the help of federal loans or grants; put in the roads, utilities, and other public facilities that would make the land developable; make detailed plans for its use, including specifications for accommodation of the poor and minorities; then sell it to private developers, stipulating adherence to the plan.

Such a proposal could be the revenue-producing element of an urban growth policy. At present, the public pays the bill for making land suitable for development. This raises the value of the land, but the profit goes to private owners—often speculators. The committee's proposed system would return the profit to the public, along with benefits of a nourishing and humane environment.

FTC LOOKS AT LACK OF OIL PRICE COMPETITION

Mr. PROXMIRE. Mr. President, at long last, the Federal Trade Commission is going to investigate the lack of price competition in the oil industry.

Lawrence G. Meyer, the brilliant new Director of the Office of Policy Planning and Evaluation of the FTC, pointed out in a recent speech the lack of price competition in the oil industry and promised that the FTC would look into it. This lack of price competition is characteristic of oligopolic industries and only results in increasing consumer costs and squeezing out the small, independent businessmen who cannot match the gigantic oil companies which dominate the oil business.

I wish the Federal Trade Commission well in their efforts to investigate this blatant price fixing. I offer whatever help I or my staff can give because they are going to need all the help they can get in tackling the powerful oil lobby.

Mr. Meyer's speech gives me renewed hope that the FTC is emerging as an

effective consumer protector. I ask unanimous consent that the speech be printed in the RECORD.

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

SOME GENERAL OBSERVATIONS ON THE PETROLEUM INDUSTRY

(By Lawrence G. Meyer)

I welcome the opportunity to appear here with you today and discuss rather generally antitrust enforcement and the petroleum industry. As a newly appointed official of the Federal Trade Commission, I must add that these are my personal views.

The petroleum industry ranks near the top of any list of significant and vital industries in our economy. An agency charged with protecting the consumer, with preserving the competitive market place and with preserving small, competitively viable business, would simply not be doing its job if it did not devote a significant measure of its enforcement resources to an industry that accounts for about 5 percent of our gross national product and embraces the activities of about 11 percent of our nation's small business men.

All of us have a common interest in a petroleum industry that functions as competitively as possible; an industry in which prices reflect legitimately incurred costs and reasonable profits. And perhaps of highest importance, the Federal Trade Commission stands strongly for an industry in which the independent, be he producer, marketer, or dealers like yourselves, is a viable competitor and can operate as a true independent businessman.

A major Commission responsibility is to insure and to protect such business freedom. For example, you as independents should be free to elect or to refuse promotion devices such as games of chance or trading stamps, free to switch the brand of gas, either major or independent, that you handle, free to price as you wish without even a suggestion of coercion.

Obviously, as you are well aware, the petroleum industry does not always function in such desirable competitive fashion. Many observers believe that the basic fault lies in the fact that the petroleum industry is simply not competitively structured in a way that results in maximum benefit to consumers, to the industry and to the public. Certainly a competitive structure in any industry is of vital concern to the Commission. As the Supreme Court noted in the *Dupont* cellophane decision.[1] An industry that does not have a competitive structure will not have competitive behavior."

In the petroleum industry, some of the structural characteristics that lead to undesirable competitive conduct and performance are simply beyond the proscriptions of the anti-trust laws and the strictures of competition. And quite frankly, as such, there is little that an enforcement agency like the Federal Trade Commission can do about them. For example, state laws, which fix and allocate production, indirectly set the price of crude oil in a manner often unrelated to the interaction of actual market forces. Certain tax provisions such as the intangible drilling expense provision, the foreign tax credit, and the depletion allowance, tend to favor the large integrated refiner. These tax benefits often permit an integrated producer to bring an assured profit to the wholesale and retail market—an assured profit obviously not enjoyed by a non-integrated independent marketer.

Notwithstanding the limited ability of the Commission to meet such competitive conditions which tend to make the industry, in the words of economist Walter Adams, "a high-cost, high-price, over-capacity industry" [2]. It can tackle a number of problems in the industry with the anti-trust weapons at its disposal.

As you may know, the Commission has announced that it plans to study in considerable depth the structure and performance of the energy industry, which of course includes petroleum, as well as other major industries. In the petroleum industry, there is evidence that a number of structural characteristics carry a strong potential for anti-competitive behavior and prevent you and others in the industry as well as the consumer from having the competitive freedom to which you should be entitled.

Basically, the structural characteristic of the petroleum industry setting the competitive tone is the dominance of this industry by a relatively small number of large, vertically integrated major companies, marketing a well established brand of gasoline which is extensively advertised. Twenty such firms control over 80 percent of the value of shipments in the refining industry—with the top eight of these firms accounting for about 55 percent.

It would appear that these firms recognized long ago that price competition would not be in their self-interest. Accordingly, today we see a clearly identifiable substitution by the majors of less desirable non-price methods of competition. Rivalry is based almost entirely on advertising claims for mileage additives, engine additives, quality of station services such as tour maps, or on fierce competition for preferred retail outlets.

Too often a major intersection is dotted with outlets of four major firms, each operating at a relatively low capacity. Normally such a situation might be expected to precipitate a price reduction by at least one of the outlets—in an attempt to increase its business—but not in the petroleum industry. This is somewhat understandable. Where a dealer on a year to year lease faces the loss of his franchise and a possible black-ball by other major companies should his "independent" pricing decisions become unacceptable, can we really fault his lack of initiative?

Just as unacceptable is the situation where a so-called "independent" retail dealer is forced to reduce his price in order to meet the objectives of his major company franchisor rather than his own. And in a number of such instances, the dealer is also forced to absorb a large percentage of such price reductions.

In this connection, of serious concern to the Commission is the maintenance by some companies of pricing zones in a given community that really have no relationship to reasonable marketing areas. In Minneapolis, Minnesota, for example, it is alleged that over 100 such zones exist for pricing purposes in a community in which transportation and marketing costs are virtually identical. Is it reasonable for one of two dealers of the same company, one block apart but in different pricing zones, to pay a higher price? Such situations make it quite clear that where the majors involve themselves in anti-competitive methods of operation, everybody suffers, including the retail outlets of the major companies.

By launching predatory price wars, by moving in and selling their excess-capacity branded or unbranded gas at distress prices, by discriminatory pricing to independent marketers, the majors can dramatically affect the ability of the independent—including dealers like yourselves—to exist.

The majors are also perfectly capable of injecting a heavy anti-competitive hand unto other aspects of the decision making by retail dealers. In a number of cases, the Commission and the courts have found that the majors, without regard to the interests of their own retailers, dictate prices, dictate the carrying of particular TBA items or dictate the acceptance of promotional schemes.

In recent years, a number of major companies have acquired leading independent gasoline marketers and refiner-marketers. As a result of some of these mergers, there is reason to believe that even less price competition at the retail market exists today. Obviously where an independent refiner is acquired by a major company, independent retail outlets formerly served by the independent refiner could well find their available supply of gasoline rather limited, if not non-existent.

The catalog of actual and potential economic abuses—which some call a veritable "honeycomb of anticompetitive restraints" [3] in the petroleum industry is substantial. To meet this sometimes dismal picture of competition, both the Commission and the Justice Department have focused considerable attention on all mergers in the industry. The Commission's first phase report issued on conglomerate mergers details merger activity in the industry and its possible competitive significance. To quote the Report, "the mergers undertaken by the most active acquiring petroleum firms have brought about a significant restructuring of retail petroleum markets." [4]

In addition to the recent suits by the Justice Department against the British Petroleum-Sohio and Atlantic Richfield-Sinclair mergers, the Commission is investigating other major oil company acquisitions of leading independent marketers and refiner-marketers. Especially in those instances where a major firm acquired an "independent" and subsequently discontinued the discount price policy of the formerly "independent" firm, formal complaints to undo such mergers will be given serious consideration.

The Commission activity here in an area affecting the entire industry serves as a realistic guide to the Commission's role in enforcing the entire spectrum of antitrust laws in this industry. The Commission will always have a sympathetic ear for complaints by retailers, be they independent or affiliated, that they have little or no voice in matters affecting their economic welfare. In the past, for instance, the Commission has successfully sued on behalf of small independent dealers to eliminate supplier interference with their choice of TBA accessory items [5]. In addition, the Commission successfully sued to eliminate consignment selling systems where the supplier controls or fixes the retail price at which the dealer may elect to sell gasoline.[6]

But it should be remembered that in recent cases involving other industries, principles have been established which have applicability to your own competitive rights. In a significant decision, the Supreme Court held that U.S. Steel could not tie the financing services which it had offered to builders to the sale of its own brand of prefabricated houses.[7] Another decision involving the marketing arrangements of a bicycle manufacturer established firmly the principle that once a supplier relinquishes control over his goods he is no longer free to control any aspects of the competitive behavior of the independent merchants who sell his products.[8] Still another relevant decision to your competitive rights is one in which the Supreme Court found that a newspaper's attempt to coerce a distributor into adhering to suggested prices was illegal.[9] Under this case, it could be argued that a supplier could not lawfully use company owned or operated stations to exert coercive price pressures on affiliated although independently owned outlets.

Such cases are potent ammunition to dealers like yourselves striving to remain viable, independent businessmen. In the fight to preserve competition in your industry, of great importance are the private cases brought by members of the industry. In *Perkins* v. *Standard Oil of California*,[10] the

Footnotes at end of article.

Supreme Court upheld a triple-damage jury award of $1.3 million given to Perkins, an independent California dealer and wholesaler who suffered injury because Standard, from whom he bought nearly all his supplies, charged him a higher price for his gasoline and oil than it did its own branded dealers. Perkins also collected triple damages for injury suffered as a result of Standard's charging a lower wholesale price to another firm which then used still another dealer to pass on the lower price to a major competitor of Perkins.

In *Simpson* v. *Union Oil* [11], Simpson, a lessee of Union's who had also signed a one-year consignment agreement, sued and collected damages from Union for refusing to renew his lease agreement because he was selling gasoline for two cents below the retail price fixed by the company. The Court condemned consignment agreements where they serve merely as a coercive device to straight-jacket the ability of numerous small independent businessmen to engage in meaningful price competition with each other. The Court significantly took note of the imbalance in bargaining power between the large supplier and its relatively powerless nominal "consignees," whom it characterized as "small struggling competitors seeking retail gas customers." [12]

These cases clearly indicate that the Court is extremely sympathetic to competitive imbalances in your industry, and specifically, to the problems of economic coercion which retailers and dealers face on a day to day basis.

Gentleman, what is important here is not whether you are affiliated with a major company or with an independent company—or whether you are a lessee or an owner of your station. What is important, in my opinion, is your individual and collective resolve to preserve and, in some instances, to obtain business independence.

In this regard, the Commission is certainly one agency to present your pitch to. I hope I can promise you on its behalf that it will continue to try to do more than just listen.

Frankly, however, Commission resources are limited, and must spread over several fronts. And while this agency will do all it can, you can also help yourselves, as the private action cases which I have mentioned make clear. Such private relief should be taken advantage of by you in your fight against any and all trade-restraining coercive tactics. Perhaps it sounds strange for a public antitrust official to suggest that you take your business elsewhere, but the private lawsuits and threat of it can get the results which your equity demands just as well and perhaps even more effectively than public enforcement. As the Court indicated in *Simpson*, private legal action should be a permanent threat to deter anticompetitive behavior. But it cannot be unless you use it. By doing so, you will not only be helping yourself, you will be assisting the Commission in preserving a competitive economy in which we all have such a large stake.

FOOTNOTES

[1] *U.S.* v. *E. I. Du Pont de Nemours and Co.*, 353 U.S. 586 (1957).

[2] Statement by Prof. Walter Adams, April 2, 1969, Sub-committee on Antitrust and Monopoly, U.S. Senate.

[3] *Ibid.*

[4] Staff Report to the Federal Trade Commission, *Economic Report on Corporate Mergers*, Washington, U.S. Government Printing Office, 1969, p. 290.

[5] *Atlantic Co.* v. *F.T.C.*, 381 U.S. 357 (1965).

[6] *Sun Oil Company* v. *F.T.C.* 350 F. 2 624 (7th Cir. 1965).

[7] *Fortner Enterprises, Inc.* v. *United States Steel Corp.*, 394 U.S. 495 (1969).

[8] *U.S.* v. *Arnold, Schwinn & Co.*, 388 U.S. 365 (1967).

[9] *Albrecht* v. *The Herald Co.*, 390 U.S. 145 (1968).

[10] *Perkins* v. *Standard Oil Co. of California*, 395 U.S. 642 (1968).

[11] *Simpson* v. *Union Oil Company of California*, 377 U.S. 13 (1964).

[12] Ibid.

REMARKS BY PROF. LEO KANOWITZ ON THE EQUAL RIGHTS AMENDMENT

Mr. COOK. Mr. President, last week the full Senate Judiciary Committee held hearings on the proposed equal rights amendment. The most persuasive witness I had the privilege of hearing was Prof. Leo Kanowitz of the University of New Mexico Law School who succeeded in a quite convincing fashion in refuting most of the "red herrings" which have been raised by opponents of this amendment.

He predicted that passage of the equal rights amendment would be a good first step toward the goal of liberation of American women but warned that it would not be "a cure-all for the Myriad problems of sex discrimination in law."

I urge all Senators, especially those who remain unconvinced of the necessity for the equal rights amendment, to read the remarks of Professor Kanowitz. I ask unanimous consent that the statement be printed in the RECORD.

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

THE EQUAL RIGHTS AMENDMENT AND THE OVERTIME ILLUSION

INTRODUCTION

Mr. Chairman, I should first like to thank the Committee for inviting me to state my views on the proposed equal rights amendment to the United States Constitution. As a citizen, a lawyer, and a law professor, I have been deeply concerned for a number of years with the status of women in the United States, or more precisely, with the question of sex roles in our society—as this question has come to be more accurately designated in Sweden.

Since 1965, I have studied this question to determine the role that has and can be played with respect to it by our legal institutions. The results of those studies have recently been published in my book, *Women and the Law: The Unfinished Revolution*,[1] a copy of which I have today taken the liberty of presenting to the Chairman and Committee members.

In *Women and the Law*, I explore major aspects of the legal status of American women and analyse some of the social causes and effects of sex-based discrimination in American law. Among the subjects examined are abortion, prostitution, marriageable age, age of majority, married women's names, support obligations within the family, divorce, special criminal penalties for women, jury service rules, domiciles of married women, marital property regimes in the common law and community property states, and contracts and torts of husband and wife.

Much of the book, however, deals with the law affecting women's employment in the United States, particular attention being paid to the Equal Pay Act of 1963 and to the history and effects of the prohibition against employment sex discrimination in Title VII of the 1964 Civil Rights Act. In addition, *Women and the Law* explores in considerable detail the principles of American constitutional law affecting this area of human rights.

Footnotes at end of article.

Rather than recapitulating the contents of *Women and the Law*, or even its exposition and analysis of persisting sex-based discriminatory legal rules and official practices, I would refer the Committee to the book itself—although I am sure that many instances of such discrimination have already been brought to your attention by other witnesses. But I would take this occasion to repeat the hopes I expressed for the book in its Preface.

"Perhaps," I wrote, "an awareness of the many areas of sex-based legal discrimination, whose continued existence this book seeks to identify, will stimulate, first, courtroom and legislative attacks upon those disparities or injustices, then, a much-needed national examination of the respective roles of the sexes in every sphere of American life, and finally, the active and continuing participation of all Americans in bringing about the needed changes." [2]

My investigation in this field has persuaded me that many irrational and harmful distinctions continue to be made in the legal, political and social treatment of the sexes in our country, that the resulting injustices have impeded our development as a nation, and that they have led to much personal unhappiness for American men as well as women.

By relegating women to special tasks, by perpetuating ancient myths about the alleged physical and psychological limitations of women, we American men have subjected ourselves to an awesome burden. For the doubtful joys of feeling superior to women, we have paid a terrible price. Not only have we suffered with respect to uneven laws in the field of support obligations within the family, child support and custody awards in divorce proceedings, and the frequent lack of protective labor legislation where such legislation exists for women, but our insistence that men and only men are entitled to be society's doers and shakers has led to our dying from eight to ten years earlier, on the average, than the women of our country. Perhaps even more important is that, because of arbitrary social and legal distinctions, both men and women are often prevented from relating to one another as people, as fellow members of the human race.

So, when I speak or write of the need to erase sex-based discrimination in American law, I am moved not only by the desire to end the injustices that American men have perpetrated upon our nation's women, but to end those we have imposed upon ourselves as well.

But recognizing that sex discrimination pervades American law and that it is pernicious does not tell us how best to bring about the needed changes. It is to this question—and specifically to whether the constitutional amendments proposed in either Senate Joint Resolution 61 or in Senate Joint Resolution 231 are appropriate steps to that goal—that I would now address myself.

Before I explain my reasons, however, let me state my position on these two proposed amendments. First, I support the Equal Rights Amendment as worded in Senate Joint Resolution 61. Secondly, I oppose the amendments to that Amendment that are set forth in Senate Joint Resolution 231.

Thirdly, I should also like to discuss with this Committee what I believe is the core question in the controversy over the Amendment's desirability namely the issue of state protective labor legislation. As I shall explain, I believe that much of the discussion of this question is at cross-purposes, that it proceeds from a basic fallacy in the thinking of proponents as well as opponents, and that if it can be cleared up, the spectacle of otherwise natural allies opposing one another may disappear. Finally, I would be glad to try to respond to any questions the Committee might care to ask about other aspects of this subject.

SENATE JOINT RESOLUTION 61

Senate Joint Resolution 61, if adopted and ratified by the requisite number of state legislatures, would add a new article to the United States Constitution, to take effect one year after the date of ratification. The crucial language of that proposed new article reads: "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation."

I have had occasion to consider the present desirability of such a constitutional amendment in my book, *Women and the Law*. Writing in 1969, I suggested that many proponents of the Equal Rights Amendment were mistaken in their belief that the United States Supreme Court and lower state and federal courts had in the past held existing provisions of the United States Constitution, in particular the Fifth and Fourteenth Amendments, inapplicable to women.

"The fact is," I wrote, "that the courts have not done this at all. Instead, they have generally held that existing constitutional provisions do apply to women, but that within the limits of those provisions, women in many situations constitute a class that can reasonably be subjected to separate treatment." [3]

I also suggested that the adoption of the Equal Rights Amendment would not fundamentally change the picture. "While the proposed amendment states that equality of rights shall not be abridged on account of sex," I wrote "sex classifications could continue if it can be demonstrated that though they are expressed in terms of sex, they are in reality based upon function. On the other hand, under existing constitutional provisions, particular classifications of men and women that cannot be shown to be based upon function, are vulnerable to attack—as has already been demonstrated in some lower state and federal courts with respect to discriminatory laws in the realm of jury service, differences in punishment for identical crimes, right to sue for loss of consortium and the like." [4]

This latter reference was to a series of recent cases in which sex-based discriminatory legal rules had already been struck down by various courts as violating the equal protection clause of the United States Constitution's Fourteenth Amendment. (*E.g., White* v. *Crook*, 251 F. Supp. 401 (1966); *Robinson* v. *York*, 281 F. Supp. 8 (1968); *Owen* v. *Illinois Baking Corporation*, 260 F. Supp. 820 (D.C. Mich 1966); *Clem* v. *Brown*, 3 Ohio Misc. 167, 207 N.E. 2d 398 (1965) etc.)

I also suggested that "as some of these cases make their way to the Supreme Court, the Court, influenced by the reasoning of the opinions below and perhaps more responsive to the present sociological climate surrounding the question of women's legal status than it has been in the past, may drastically revise its prior approach to determining the kind and extent of official sex discrimination that is allowable."

I continue to hold these views. I believe that there is a very high degree of probability that the United States Supreme Court, when it next confronts an equal protection or due process challenge to a sex discriminatory law, will drastically modify the undifferentiated principle originally enunciated in the 1908 case of *Muller* v. *Oregon*, 208 U.S. 412 (1908) that "Sex is a valid basis for classification,"—a principle I described in *Women and the Law* as being "often repeated mechanically by the courts without regard to the purposes of the statute in question or the reasonableness of the relationship between that purpose and the sex-based classification," [5] Indeed, I suggested, "the subsequent reliance in judicial decisions upon the *Muller* language is a classic example of the misuse of precedent, of later courts being mesmerized by what an earlier court had *said* rather than what it had *done*." [6]

But if I believe that the Equal Rights Amendment would not achieve anything that could not be achieved by the courts in interpreting existing constitutional provisions, the question arises as to why I am supporting the Equal Rights Amendment at this time, especially since my position on the Amendment has heretofore wavered between mild opposition and lukewarm support. The answer is simple. Although I still believe that there is a very high degree of probability that the Supreme Court will perform as I hope and expect in this area, there is no guarantee that it will do so. Moreover, I now believe that it is necessary for all branches of government to demonstrate an unshakeable intention to eliminate every last vestige of sex-based discrimination in American law. The adoption of the Equal Rights Amendment at this time would give encouragement to the many American women and men who now see the need for substantial reform in this area. Finally, should the next few years bear out my prediction that the Court will soon begin to interpret existing constitutional provisions so as to eliminate irrational sex discrimination in the law, no harm will have been achieved by the presence of the Equal Rights Amendment. Indeed, many examples can be cited in which laws and official practices may violate more than one constitutional provision at one time.

Moreover, should the Supreme Court *not* respond as I have suggested it ought to in this area, then the need for the Equal Rights Amendment will have become manifest. The time that will have been gained by sending it on its ratification road immediately would be precious.

There is one word of caution I would add at this point, however. And that is that this Committee and Congress, if it adopts the proposed Equal Rights Amendment as I hope it will do, will make sure that the record discloses that it does not thereby intend to discourage the United States Supreme Court from interpreting existing constitutional provisions—and especially the equal protection clause of the Fourteenth Amendment—so as to eliminate every sex-based discrimination in American law that cannot be sustained by overwhelming proof of functional differences between men and women.

I say this because there is a very real danger that if this is not done, the adoption of the Amendment at this time will ultimately represent a defeat rather than a victory for those of us who seek the eradication of irrational sex-based distinctions in American law and society. In the absence of such a clarifying declaration in the legislative history the Court, when faced with an equal protection or due process challenge to a sex-discriminatory legal rule or official practice within the next few years, may be prompted to reason as follows: Since a coordinate branch of the federal government, the Congress, has deemed it necessary to adopt the Equal Rights Amendment, then it must have believed that existing constitutional provisions were inadequate to provide the needed relief in this area. Though such a view is not determinative, it is at least persuasive. As a result, deferring to Congress' apparent wishes in this respect, the Court could withhold any modification of the *Muller* principle and simply await the ratification of the Equal Rights Amendment before providing the needed relief in this area.

The problem of course is that one cannot be sure that the Equal Rights Amendment will be ratified by the requisite number of State legislatures. Even if it is eventually ratified, this may occur many years from now. In the meantime, many litigants, both men and women, seeking to prevent unreasonable discrimination based upon sex, may find that no redress is available from the courts.

I am aware of course of the decision in *Gray v. Sanders*, 372 U.S. 368, wherein the Supreme Court at page 379, invoked the Fifteenth Amendment's prohibition against voting denials based on race and the Nineteenth Amendment's similar prohibition of denials based on sex to sustain a challenge to a county-unit voting system that was based on the Fourteenth Amendment's equal protection clause. *Gray v. Sanders* is no guarantee however that the Court would act the same way under the circumstances we are presently concerned with. For one thing, *Gray* was decided *after* the ratification of the Fifteenth and Nineteenth Amendments, while the fear that I have expressed concerns the Supreme Court's response while the ratification of the proposed Equal Rights Amendment would still be pending. For another thing, the *Gray* decision did not require the Court to overrule or substantially modify any of its recent decisions. But if the Court were to do as I hope and expect it will with respect to equal protection and due process challenges to sex-based legal discrimination, it would have to drastically modify several decisions that were rendered as recently as 1961 (*Hoyt v. Florida*, 368 U.S. 57) and 1954 (Goesart v. Cleary, 335 U.S. 464).

For these reasons, I believe it is of crucial importance that this Committee and Congress, in adopting the proposed Equal Rights Amendment, make clear their hope and expectation that forthcoming decisions of the United States Supreme Court will soon transform that Amendment into a constitutional redundancy.

Finally, before moving on to the proposed amendments to the Amendment that are contained in S.J. Res. 231, let me make one more observation.

Some proponents of the Equal Rights Amendment are undoubtedly convinced that its adoption will inevitably revolutionize judicial attitudes about sex roles in our society. Some opponents of the Amendment are equally convinced that its adoption will introduce chaos, uncertainty and confusion in our law and judicial processes.

My most recent studies in this area have persuaded me that neither view is correct. I have just returned from a seven-month sabbatical leave in Europe. While there, I began an examination of law-based sex discrimination problems in France, West Germany, Switzerland, England, Denmark, and Sweden.

My study is still incomplete and it shall be some time before I shall be able to publish my conclusions. For the moment, however, I think I can say with some assurance that the experience of the West German courts in interpreting a similar constitutional provision (*"Männer und Fraunen sind gleichberechtigt,"*—translated as "Men and women are equal before the law." Art. 3, sec. 2 Constitution of the German Federal Republic) demonstrates two important points. One is that our Courts will face no extraordinary difficulties in dealing with the Amendment. The other is that the Amendment will not of itself represent a cure-all for the myriad problems of sex discrimination in law and society—although it will be a step in the right direction. For as I suggested in *Women and the Law*, even after the adoption of the Equal Rights Amendment, "the crucial factor will continue to be the responsiveness of the judiciary to the social impulse toward equality of treatment without regard to sex." [7]

But in contrast to my former position, when I believed that, for *tactical* reasons, efforts to secure passage of the Amendment ought to be abated in favor of vigorous challenges under existing constitutional provisions, I now believe, for the reasons advanced earlier in these remarks, that, provided the adequate legislative history is

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made, passage of the Amendment at this time could do no harm and possibly could do much good.

SENATE JOINT RESOLUTION 231

Let me now turn my attention to Senate Joint Resolution 231. That Joint Resolution, introduced as a substitute to Senate Joint Resolution 61, would change the proposed Equal Rights Amendment in several respects. First, it would place a seven-year limitation on the ratification process. Secondly, it would become effective two years after ratification rather than one year after ratification as proposed in S.J. Res. 61. But most importantly, it would qualify the basic declaration of equality contained in S.J. Res. 61 by adding this second sentence:

This article shall not impair, however, the validity of any law of the United States or any state which exempts women from compulsory military service or which is reasonably designed to promote the health, safety, privacy, education, or economic welfare of women, or to enable them to perform their duties as homemakers or mothers.

As indicated earlier, I recommend the rejection of S.J. Res. 231.

First of all, I oppose the seven year limitation on the ratification process. Hopefully, the basic Equal Rights Amendment, as worded in S.J. Res. 61, will be ratified long before seven years have passed. But should that not be the case, I can see nothing that will be gained by imposing such a time limit—especially if, as I have suggested, the legislative history will clearly show Congress' hope and expectation that the Supreme Court will in the meantime render the Amendment unnecessary.

Second, while there is some merit to the idea that the State legislatures and Congress should be given more than one year to enact appropriate implementing legislation, a one year period would be adequate since both state and federal legislatures would have had time to prepare for their work while the ratification process was still pending.

My most severe reservations about S.J. Res. 231, however, go to the language in the second sentence of the first section that would qualify the basic declaration in favor of equal treatment in the law without regard to sex that is contained in the first sentence of that section.

I suggest that there are serious questions about the *meaning* of the second sentence. And even if the meaning of it can be ascertained, I fear that the interpretation probably intended by its sponsor would render that language objectionable to me as being incompatible with the needs of our society and the basic goal of equal treatment under law without regard to sex.

In ascertaining the meaning of the second sentence, I think it is important to note first the provision that it qualifies. That provision states, "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." Then comes the sentence in question which states that the Article shall not impair the validity of certain knds of laws which presently are assumed to benefit women in a variety of ways.

One possible interpretation, resulting from this juxtaposition of the two sentences, would be as follows: Since the first sentence guarantees equality of treatment without regard to sex, and since the benefits presumably flowing to women from certain laws are held inviolate in the second sentence, then the only way to achieve the equality of treatment guaranteed in the first sentence is to extend those benefits to men. Under this construction, since women's present exemption from compulsory military service is to be preserved, the constitutional command of equal treatment can be obeyed only by extending the exemption to men. This would render unconstitutional our present Selective Service law which presently applies to men only.

While, personally, I would have no objection to such a construction of this language, I wonder if this would be acceptable to the Resolution's sponsor.

A similar analysis can be offered of the remaining language of the second sentence, i.e., up to the beginning of the last clause. For, it is not only women who have an interest in laws designed to promote their health, safety, privacy, education or economic welfare. Men are equally interested in being protected by government in these areas. A reasonable reconciliation of this language with the command of the first sentence would be to read it as requiring the extension of the benefits of such laws to men. Indeed, if this is intended by this language, I could support it—although, as I will explain, the Equal Rights Amendment, as worded in S.J. Res. 61, achieves this same goal and is preferable.

The last clause of the second sentence raises some difficulties, however. It states, "or to enable them to perform their duties as homemakers or mothers." Here the extension approach is clearly not intended. Though it is possible to think of men performing the function of homemakers, it is a little difficult to conceive of them as mothers in a biological sense. Moreover, this last clause would appear to lend constitutional dignity to the social presumption that the highest, if not the sole, life's work for women is that of wife and mother.

The apparent intention of this last clause provides a key, I believe, to the probable meaning and intention of the rest of the language in the second sentence. That is, rather than intending these benefits and protections to be extended to men, the Amendment's sponsor apparently intends, by the language of the second sentence, to preserve these for women alone. Not only would this represent a nullification of the spirit and intent of the proposed Equal Rights Amendment as worded in S.J. Res. 61, but it would be a substantial step backward from the encouraging recent trend of decisions in the state courts and lower federal courts.

Even if S.J. Res. 231 is intended to embrace the possibility of extending to men certain rights, privileges and benefits of law presently enjoyed by women only, the basic fallacy in its reasoning is its apparent assumption that the unadorned Equal Rights Amendment, as worded in S.J. Res. 61, would, if adopted and ratified, deprive women of many of these rights, privileges, and benefits.

But I suggest that this need not happen at all. In *Women and the Law*, I pointed out how it would be consistent with judicial precedent for the courts, in interpreting the Fourteenth Amendment's equal protection clause in sex discrimination cases, to cure the invalid inequality by extending the benefits of particular laws of the sex (male or female) that had not previously enjoyed those benefits rather than by removing them from the one that had. That analysis, I suggested, was equally applicable with respect to the Equal Rights Amendment.

The Supreme Court's recent decision in *Levy* v. *Louisiana*, 391 U.S. 68 (1968), I wrote had "held that a denial to illegitimate children of a right to recover for wrongful death of their mother, where her legitimate children could recover the same wrong, violated the equal protection guarantee. But the Court's remedy for such a violation was not to remove from the legitimate children the right to recover for their mother's wrongful death, but rather to extend this right to her illegitimate children."

"Even some state courts," I observed, "exercising their power to entertain federal constitutional challenges to state laws, have achieved similar results. Thus in *Clem* v. *Brown*, an Ohio Court of Common Pleas, holding that the state's rule permitting husbands but not wives to recover for loss of consortium deprives a wife of 'equal protection of the law' remedied this inequality by extending the right to wives rather than by removing it from husbands. Similarly, the decision of a federal district court in Michigan in *Owen* v. *Illinois Baking Corporation* was one more example of a . . . court curing what it regarded as a constitutionally infirm one-way consortium rule by extending the right to sue to married women.

"As long ago as 1871, the United States Supreme Court held that a state could not limit the right to sue on a cause of action created under state law so as to deprive the federal courts of the power to entertain such suits if jurisdiction was otherwise present . . . Though [this] result . . . was dictated by the requirements of Article III of the U.S. Constitution, conferring the Judicial Power upon the United States, rather than by the equal protection clause of the 14th Amendment, it is another illustration of the Court's past practice of implementing constitutional provisions by extending a state-created benefit beyond the limits intended by the state, while recognizing that the state could, if it wanted, remove the benefit from all."

This, I believe, is the spirit in which the Supreme Court, aided by the legislative history, will interpret the Equal Rights Amendment as worded in S.J. Res. 61. This, I believe, is the spirit in which the Court can and should interpret the Fourteenth Amendment's equal protection clause in forthcoming sex discrimination cases.

I would also stress that the Amendment as worded in S.J. Res. 61 empowers Congress and the States, within their respective jurisdictions, to enforce the new article by appropriate legislation. This, I suggest, is the ultimate corrective, the ultimate guarantee of social consensus with regard to decisions to extend one-way rules or abrogate them.

In sum, I believe that S.J. Res. 231 is based on an invalid assumption as to the probable effects of the Equal Rights Amendment as worded in S.J. Res. 61, and therefore recommend its rejection. Though I am absolutely certain that the sponsor of S.J. Res. 231 is as interested as I am in advancing the status of American women in law and society, he has proposed a way that I simply cannot support. The fact of the matter is that this is an extraordinarily difficult question about which reasonable men and women do differ. My hope is that, in the course of these hearings, understanding of all of us will be advanced, and that the ultimate decision is the right one.

EQUAL RIGHTS AMENDMENT, PROTECTIVE LABOR LAWS, AND THE OVERTIME ILLUSION

Finally, I should like to turn my attention to how the Equal Rights Amendment, if adopted, could work in the area that has been the subject of greatest controversy. I am referring specifically to the Amendment's effect upon the State's protective labor laws that presently apply to women only. Parenthetically, I would point out that my analysis here also applies to the effects of the equal protection clause, if and when the Supreme Court begins to interpret that clause vigorously in the sex discrimination area.

Reading the testimony presented to this Committee's Subcommittee on Constitutional Amendments during its earlier hearings this year, and the testimony presented at prior Senate committee hearings on the proposed Amendment, I am struck by what I regard as a peculiar fact. That fact is that certain groups or organizations that, according to all reasonable expectations, should be allied on the issue of equality without regard to

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sex are in fact divided over the desirability of the Amendment as a way of achieving that goal. I am of course speaking of the basic division between the women's organizations, who have for the most part supported the Amendment and organized labor which has, for the most part, opposed it.

By and large, representatives of organized labor have expressed a fear that, should the Amendment become part of our fundamental law, many of the protections that have been won for women workers over years of difficult struggle would be nullified. On the other hand, some supporters of the Amendment have expressed a suspicion that labor's principal motive in opposing it is to monopolize for men both jobs and other supposed benefits, which I shall soon discuss. Though this suspicion is understandable if we recall long-standing collective bargaining agreements providing substantial sex-based wage differentials for the same or similar jobs, it is not, in my opinion, an accurate reading of the motives of the Amendment's trade union opponents.

In *Women and the Law*, I quoted a 1964 statement by Congresswoman Martha Griffiths of Michigan which not only characterized organized labor's basic attitude in this area, but also pointed the way to what I believe is the ultimate solution to its knotty problems. "Some people," said Congresswoman Griffiths, "have suggested to me that labor opposes 'no discrimination on account of sex' because they feel that through the years protective legislation has been built up to safeguard the health of women. Some legislation was to safeguard the health of women, but it should have safeguarded the health of men, also." [10]

Basing my analysis upon the same principle, I suggested in *Women and the Law* how this could be done. Specifically, I demonstrated how, consistently with what had already been done in administrative and constitutional law decision, the equality of treatment required in this area could be achieved by *extending* protective laws to men rather than by removing them from women. The Equal Employment Opportunity Commission, I suggested, should pursue this approach in administering the anti-sex-discrimination provisions of Title VII of the 1964 Civil Rights Act. In areas that were beyond the jurisdictional reach of the EEOC, I urged reliance upon past judicial precedents such as those I have just referred to in my discussion of S.J. Res. 231, to achieve the same extension of those laws rather than their abrogation.

This analysis, I still believe, is a sound one. Not only has the Labor Department, in administering the Equal Pay Act of 1963, determined that where state law provides a minimum wage for women only, the Equal Pay Act entitles men in that state to the same minimum wage if they are covered by the federal law, but the EEOC also has taken the position that the benefits of state laws, presently applicable to women only—such as those requiring minimum wages, rest periods, seats at work—are required by Title VII to be extended to men. Even in those situations that are beyond the jurisdictional reach of Title VII and the Equal Pay Act, I suggested, the judicial extension technique employed in equal protection and other constitutional cases, could lead to the same results.

Moreover, these results can also be achieved under the proposed Equal Rights Amendment—especially if the legislative history disclosed that Congress intends this. The fears of some opponents of the Amendment that its adoption would nullify laws that presently protect women only is thus unfounded—since the equality of treatment required by the Amendment can be achieved by extending the benefits of those laws to men rather than removing them from women. Moreover, the failure of any court to do this can be corrected through the legislative process.

Thus, as I stated in a recent article in the *Family Law Quarterly*, "the current new concern with the legal status of women will in many respects result in improving the situation of men as well as women. Just as breakthroughs in the legal status of American blacks has benefitted other racial and ethnic 'minorities,' so the effort to provide women with equal employment opportunity can substantially improve the situation of male employees in industry and commerce." [11]

But the problem does not stop there. Essentially, I have been discussing the fate of certain protective labor laws—minimum wages, rest periods, seats at work—about which there can be little doubt that they provide valuable protections and benefits not only worth preserving for women but also worth extending to men.

But the major source of controversy concerns two types of state protective labor laws, presently applicable to women only, about which there is much confusion as to whether they in fact represent a burden or benefit. I am referring now to those state laws limiting the weights that women are permitted to lift or carry in industry, or restricting the number of hours that women may work in a day or a week.

It is with respect to these two types of laws that the extension approach begins to run into trouble. For if a state's weight-lifting limitations, presently applicable to women only, were extended to men, then, as I suggested in *Women and the Law*, "it would simply mean that certain objects would not get lifted in the course of that state's industrial life" [12] hardly a tolerable result. As for the extension of hours limitations laws, this would raise problems of another order—which I shall discuss in a moment.

Recognizing that the extension approach was not feasible in the weight-lifting area, I suggested an alternative solution. That solution was to reconcile such laws with either Title VII of the 1964 Civil Rights Act or with a constitutional requirement of equal legal treatment without regard to sex by holding that a state's weight-lifting limit for women workers "merely creates a burden of proof and of persuasion in individual women applicants to show that they can perform the work in question without harmful effects, though such work requires occasional lifting of weights in excess of those permitted by the rule. That burden could be satisfied by a certificate from a family physician or some other testing procedures." [13]

I now believe that this alternative solution was faulty in that it did not in fact conform to the equality principle, since the burden of proof and persuasion that I had proposed was applicable only to women and not to men.

A more acceptable solution, which cannot be achieved judicially but requests legislative action, is the replacement of such state statutes by others, such as the one now in force in Georgia that protects both men and women workers from being required to lift weights that could cause "strains or undue fatigue." Such a law implicitly recognizes that many individual women can, without harm, lift weights in excess of the limits previously imposed by state law, and that many individual men cannot. Thus, under the new law, people—both men and women—are protected against being required to lift weights that are excessive for them. At the same time, no artificial sex-based distinction, having the effect of depriving one sex of equal employment opportunities, is maintained.

I repeat, therefore, that with regard to state weight-lifting statutes presently applicable to women workers only, equality of treatment without regard to sex can be achieved by adopting the type of statute I have just cited.

But now let us consider what I think is the nub of the ideological controversy over the desirability of the Equal Rights Amendment. And that is the question of how the Amendment would affect those state laws which presently provide penalities for employers who permit or require their women employees to work in excess of a given number of hours in a day or in a week. Were such laws extended to cover male employees it would not, as in the case of extending weight-lifting restrictions, bring industry to a grinding halt, although it would create some dislocation and expense for management. But the fundamental difficulty in extending such laws to cover male employees is that, because of what I consider organized labor's failure to educate its membership about the problems of overtime work, it would be regarded by many male workers as the imposition of a burden and not a boon. Stated differently, were employers penalized for permitting or requiring their *male* workers to work overtime hours, many of those male workers would, in the present economic situation, regard this as a deprivation of their right to earn what they consider premium wages and not as the extension to them of a protection presently applicable to women.

Indeed, many women workers undoubtedly look upon the opportunity to work overtime from the same perspective. This, I suggest, explains much that has happened in the last few years in this area. It explains for example why all Title VII suits in the hours area have been brought by women workers seeking to invalidate state hours-limitation laws presently applying for women only. By doing so, they argue, they would, like men, be able to earn attractive overtime pay. Moreover, the elimination of the sex-based distinction in this area would also eliminate the inequality of job opportunity it creates. For many an employer has refused to hire or promote a woman employee for a job in states limiting women's working hours, claiming that the job in question ofter requires overtime work. This also explains, I suggest, the position taken by the EEOC in this area in seeking to invalidate such women-only hours-limitation laws in the states where they exist. And it explains why some states have been persuaded to repeal such laws in the past few years.

This entire trend, I submit, is deplorable and mistaken. It is simply the wrong way to achieve the desired equality of legal treatment and equality of job opportunity. It is a step backward from sensible policies toward overtime work.

"[W]ith victories like these," I wrote in a recent article, "women don't need many defeats. For success in these efforts not only removes limitations upon women's right to work extra hours . . . but also means that those women who do not wish to . . . work excessive hours—and I would suggest that they are many if not in the majority—can henceforth be *forced* to do so." [14]

The consternation these developments provoke in the breasts of trade union opponents of the Amendment is indeed understandable. But I submit that labor's own record with respect to overtime policy accounts for much of this trend. For the labor movement has permitted American workers to be lulled into a false sense of economic security by the overtime illusion—the feeling that they can attain their desired standard of living by working extra hours.

As I pointed out in *Women and the Law*, it is not uncommon for many workers to "work 48, 58, and perhaps 68 hours in a given week—a situation not unlike that prevailing at the turn of the century when organized labor was struggling to reduce the 12-hour, 6-day week to a 10-hour, 6-day week." [15] I also suggested that the requirements of time and one-half pay for overtime work under state and federal laws "were

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not enacted to reward workers for their willingness to work excess hours. Rather, they were designed to deter employers from requiring their employees to work such hours. The overtime rates provided for by such laws, rather than being denominated as premium rates, are therefore probably more accurately described as penalty rates, when they are viewed from the perspective of their intended objects—employers as a class. For the idea behind such provisions was that employers, faced with the prospect of having to pay one and a half times as much for each excess hour of work as they would pay for each hour of nonovertime work, would pause before requiring their employees to work such hours." [16]

But this legislative policy aimed at deterring overtime work has been distorted by certain economic facts. For one thing, as I noted in the book, "Many employers have found that it is often more economical to pay experienced workers a premium (penalty?) rate than to engage the services of inexperienced workers at straight-time rates (and to whom new fringe benefits would have to be paid) to complete a job at hand." [17] For another, I would now add that many American workers have grown to depend upon overtime work as a means of making ends meet or to improve their basic standard of living—an attitude that may make it easier to lead a trade union than if it didn't exist, but which makes little social sense.

That excess working hours *for both sexes* has for a long time been regarded as a social evil to be cured by legislation can be seen in the experience of New York at the turn of the century. But New York's efforts to place a ten-hour limit on the working hours of bakery employees of both sexes was rebuffed in 1905 by the Supreme Court in *Lochner v. New York*, 198 U.S. 45 (1905), because of its then existing notions of due process and liberty of contract. Three years later, however, the Court in *Muller v. Oregon*, 208 U.S. 412 (1908), upheld Oregon's maximum hours law for women only. As I suggested in *Women and the Law*, this sequence of judicial decisions led many states to enact hours limitations laws for women only on the theory that half a loaf was better than none—even though the Court's later decisions made it abundantly clear that the *Lochner* case would be decided differently today.

The combination of these factors suggests that it would be consistent with our nation's traditional policy toward overtime work to achieve equality of legal treatment for both sexes in the hours area by extending hours-limitations laws to men rather than by removing them from women. Among other things, such a step would provide protection for many male workers who, for a variety of reasons, prefer not to work overtime but whose refusal to do so today constitutes, even under many collective bargaining agreements, a cause for discharge.

For these reasons, I suggested in *Women and the Law* that the extension approach could be utilized in the hours-limitations field. Were this to be done, the fears of some labor opponents of the Equal Rights Amendment that these protections for women would be nullified would be without foundation. For not only would women retain this protection, but it would be extended to men as well.

But economic realities and the overtime illusion have not left us with an entirely free hand in this area. As a compromise, therefore, one designed to implement the principle of equal treatment and equality of job opportunity, I suggested the possibility of enacting on a wide scale state statutes that would embody the principle of *voluntary* overtime. "Such legislation," I wrote, "would permit both men and women to work a designated number of hours in excess of an established norm, but would provide that no employer subject to the coverage of the law would be allowed to discharge any employee for his or her refusal to work overtime." [18]

The path that is ultimately taken depends on many factors. But the point that I would stress is that the claim that the Equal Rights Amendment would nullify state protective laws in the hours-limitations area is unfounded. As I have explained, there are several ways in which the right not to work overtime—which, after all, is at the heart of the hours-limitation laws for women only—can not only be preserved for women, but can be made equally available to men. Above all, it is important for organized labor to begin to re-assess its overtime work policies. When that is done, the claim of many of us that the liberation of American women will lead to the liberation of American men as well will be understood for the truth that it is.

FOOTNOTES

[1] LEO KANOWITZ, WOMEN AND THE LAW: THE UNFINISHED REVOLUTION, University of New Mexico Press, Albuquerque, 1969.
[2] *Id.* at vii.
[3] *Id.* at 195.
[4] *Id.*
[5] *Id.* at 154.
[6] *Id.*
[7] *Id.* at 195.
[8] *Id.* at 186.
[9] *Id.* at 186–187.
[10] *Id.* at 100.
[11] KANOWITZ, *Women and the law: A Reply to Some of the Commentators*, 4 FAM. L.Q. 19, 29 (1970).
[12] KANOWITZ, WOMEN AND THE LAW at 183.
[13] *Id.* at 116–117.
[14] Kanowitz, *supra* note 11 at 28.
[15] Kanowitz, WOMEN AND THE LAW at 125.
[16] *Id.*
[17] *Id.*
[18] *Id.* at 126.

AN EXAMPLE FOR HANOI

Mr. ALLOTT. Mr. President, even desperate men occasionally bow to reason. The Arab hijackers have freed most of their prisoners. This was not a gesture of civility; the air pirates simply recognized the futility of holding their captives any longer. World opinion almost unanimously condemned these barbarous acts and when the commandos saw they had nothing to gain by continuing the atrocity, they released most of the passengers.

Hanoi should learn from this example. North Vietnam cannot forever flout world opinion. Hanoi initiated the war in the South by invading her neighbor. The invaded country resisted being conquered and called for help. America answered this call, and as a result about 1,500 American men are now prisoners of North Vietnam. The obligation of civilized society is that they be treated in accordance with the laws of war. This Hanoi refuses to do.

North Vietnam has nothing to gain by her intransigence. She should learn from the example at Dawson Field.

STILL NO ACTION FROM JUSTICE ON THE FITZGERALD CASE

Mr. PROXMIRE. Mr. President, 295 days have passed since I first wrote to Attorney General Mitchell requesting an investigation of the Fitzgerald case. Fitzgerald was the Air Force cost-efficiency expert who was fired after he told Congress about the vast overruns occurring on the C–5A transport plane.

Fitzgerald was fired because he was honest with Congress. Fitzgerald was fired because he blew the whistle on waste and inefficiency in the Defense Department. Fitzgerald was fired because what he told Congress proved extremely helpful in efforts to hold down the defense budget to more reasonable levels.

In short, Fitzgerald was fired because he rendered a great public service. Naturally, this type of retaliatory action is outlawed by the United States Code. Section 1505 of title 18 makes it a crime, punishable by up to 5 years in jail, to "threaten", "intimidate", or "injure" a witness who appears before Congress on account of his testimony. There is no doubt in my mind that whoever made the decision to fire Fitzgerald violated this statute.

I have written to the Attorney General to urge him to enforce the U.S. Code. That was nearly 10 months ago. But the Justice Department does not seem disposed to take action against members of the administration.

Mr. President, is the Criminal Code for Democrats only? Are Republicans exempt? Does the Justice Department's motto—"Equal Justice Under Law"—have any meaning for this administration?

RIVERTON RECLAMATION PROJECT, CENTRAL WYOMING

Mr. HANSEN. Mr. President, September 10, 1970, was an important day for the State of Wyoming. The House of Representatives passed, with amendments, S. 434, a bill which I cosponsored to reauthorize the Riverton reclamation project in central Wyoming as a part of the Missouri River Basin project and provide for the resale of certain lands on the third division of that project. The bill has been pending before the Congress since 1967, and the House action signals the end of the struggle to revitalize this project which is so essential to economic well-being of the State of Wyoming.

The House committee amendments are minor with the exception of an amendment which rejects the credit to the Midvale Irrigation District of nearly $1½ million which it has already paid to the Federal Government to reimburse the cost of the project. I am disappointed that the House refused to go along with the Senate and credit the district with these payments. A House floor amendment insures that this project will comply with present law controlling water quality standards.

Mr. President it is a blow to any irrigation district when it is not given credit for nearly $1½ million already paid the Federal Government. However, the Midvale Irrigation District is willing to bear the burden of this cost in an effort to get action now.

The important thing at the present time is to get the bill to the President for his signature immediately in order that the land on the third division can

be put on the tax rolls of Fremont County and help to pay for schools and other governmental services in that area as well as to contribute to the economic well-being of the State.

In addition, the road will be cleared for a $12 million rehabilitation and betterment project on the first two divisions. It is essential that this work begin as soon as possible. Structures on the project built 30 to 40 years ago must be restored and thus divert the potential for disasters during the irrigation season.

Mr. President, I wish to thank my colleagues on the Committee on Interior and Insular Affairs for their understanding and hard work in seeing that this legislation was acted upon during this Congress. I also wish to recognize the hard work contributed by members of the House committee. The people that truly deserve credit today are the members of the Midvale Irrigation District who have persevered these many years to get the congressional action necessary to give this project new life.

I strongly urge the Senate to pass promptly S. 434, as amended by the House of Representatives, so that we can begin immediately to implement the provisions of the bill.

FUTURE RIDES SST

Mr BENNETT. Mr. President, in the current debate on the SST it seems that we have heard every possible argument both for and against this new plane. Regardless of the merits of these arguments, however, it should be noted that refusal to go ahead with the SST would mark one of the few times in our history that America has turned its back on a technological challenge.

When this country reached for the moon, there were seemingly insurmountable problems. Yet we said that we would place a man on the moon in 10 years, and we did so. America has come further faster than any other people in human history because we were a breed of optimists who refused to give in to short-range problems.

Now there are pessimists who say that we cannot build an SST because it will pollute our environment. But these critics do not admit the possibility that we may be able to build an SST that will not pollute the environment. They fail to remember that what seems impossible today may well be old-fashioned a decade from now.

This same point was made very well in a recent editorial in the Salt Lake Tribune. I ask unanimous consent that it be printed in the RECORD.

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

FUTURE RIDES SST

It can be argued that modern subsonic jets get people where they want to go with all the speed necessary. So why spend billions of dollars and take additional risks of further upsetting the world's environment to build even faster planes?

That's the basic question behind the mounting debate over continuing federal financing of a prototype of an American supersonic transport plane (SST). Opponents of the 1,800 miles per hour SST have put together an impressive argument. They cite increased noise from the plane, sonic booms along its flight path, unjustified costs which will never be recovered; grave danger to the earth's upper air and even the possibility that all life could be wiped from the planet as a result of sustained SST flights.

Proponents discount these claims saying that some are exaggerated, others mere speculation unsubstantiated by evidence. Though conceding increased noise on take-off and annoyance from sonic booms they predict that in the years before the first SST flies it should be possible to neutralize or greatly reduce these drawbacks. Proponents rely heavily on the argument that it is necessary for the U.S. to retain its lead in aircraft manufacture and sales which currently is a major factor in the nation's balance of payments equation and they call attention to the fact that the Russians and the British and French working together, are already flying somewhat slower SST's with which they hope to capture the market.

Wednesday the economy in government subcommittee of Congress' Joint Economic Committee said that the SST development program should be shelved because of hidden cost burdens to both government and consumers and because of imponderable hazards to the environment. Soon the Senate will take up the debate when it considers a House approved bill to continue development of a prototype.

The subcommittee report, written mostly by longtime SST foe, Sen. William Proxmire, D-Wis., put great emphasis on the cost factor. It said there is slight chance the government, under existing contracts, would ever recoup all its investment and could even lose everything it puts into the program, a sum the subcommittee said would eventually exceed $3 billion. The subcommittee discounted the threat of British-French and Russian competition as mostly a myth.

Rep. Clarence Brown, R-Ohio, a subcommittee member who dissented from the Proxmire report, stayed closer to the basic question. He conceded there are technological and economic and environmental challenges facing the SST. But he recognized the one truth that all the others seem to shy from: supersonic transports will be built and they will be the workhorses of the future.

Rep. Brown wants tomorrow's planes to be made in America and we think he is correct. "If the Joint Economic Committee had been advising Queen Isabella," Rep. Brown observed, "we would still be in Barcelona waiting to prove the world round before daring the Atlantic."

It may be unreasonable, it may be contradictory, it may be overly expensive and it may be downright mad, but man has an uncontrollable urge to go faster and to push on. He has the technology to satisfy that urge. The United States may forever forfeit its dominance of the air age if it bucks this tide and opts out of SST competition.

ACTS TO EXTERMINATE CERTAIN GROUPS WOULD BECOME AN INTERNATIONAL CRIME UNDER THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, as all of us focus our attention on the crisis in the Middle East, I recall the testimony of Mrs. Hauser, before the Senate Foreign Relations Subcommittee hearings on the Genocide Convention, in which she maintained the convention would raise to a level of international crime certain acts that were designed to eliminate any ethnic, religious, or racial group within given areas. Certainly, we all are aware of the unrelenting pressure directed toward the Jews by Nazi Germany, as well as other countries today.

Therefore, it is important that we consider ratification of the Genocide Convention, which follows a "tradition of great human rights documents," and guarantees basic liberties for all people. In her excellent testimony, Mrs. Hauser, who is the U.S. Representative to the Human Rights Commission, said:

My final point, and my most important point, is that ratification of the convention would accord with the ideals of human liberty consistent with and in furtherance of the American tradition.

Mr. President, I ask unanimous consent that a portion of Mrs. Hauser's excellent testimony be printed in the RECORD.

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

GENOCIDE TREATY FOLLOWS TRADITION OF GREAT HUMAN RIGHTS DOCUMENTS

My final point, and I really believe most important point, is that ratification of the convention would accord with the ideals of human liberty consistent with and in furtherance of the American tradition.

Under article I of the convention, the contracting parties confirm that:

"Genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and punish."

This undertaking is an international commitment to decency and morality consistent with the American tradition. It does not, of course, stand alone. Like other efforts throughout history, from the Ten Commandments through the Magna Carta, the French Declaration of the Rights of Man and the Citizen, the U.S. Bill of Rights, and the United Nations Charter, the convention is above all a statement which advances individual rights and human dignity.

The United States, which was founded on the basis of protest against governmental excesses, and which grew great in substantial measure because it was a haven and the hope for oppressed persons everywhere, and still continues to be, should be in the lead in joining in the declaration of revulsion at the organized effort to eliminate whole groups of people during World War II, and of determination that such an effort shall never be undertaken ever again.

The great documents of human rights in our history have taken various forms. From the laws of Moses to the pact between King and nobles at Runnymede, to the charters of the English, American, and French Revolutions, the essential element was a statement of the rights of free men, coupled with punishment or threat of punishment to those who would abridge these rights. This pattern, too, was followed in the documents that grew out of the rebirth after World War II, among them the convention against genocide.

Until 1945, the efforts to legislate internationally were very limited. The idea that the practices of states themselves could be illegal or could be made illegal dates from the 20th century, and with one or two exceptions, from the end of the Second World War.

The Genocide Convention is designed to raise to the level of an international crime certain horrible acts, such as the effort of Nazi Germany to exterminate all the Jews within its domain, or attempts by other countries to exterminate all the Jews within its domain, or attempts by other countries to exterminate other racial, religious, or ethnic groups within a given country or area.

The definition of genocide as of international concern reflects also the recognition that genocide is typically associated with threats or breaches of the peace. The most flagrant cases of genocide have occurred in major and "total" wars.

Even lesser instances have tended to provoke retaliation, intervention by third parties, and a spread of war and devastation. Thus, steps to curb genocide are also steps in the direction of preservation or restoration of peace.

The Genocide Convention recognizes that both states and individuals must be determined in order to minimize the risk of genocide. Accordingly, states are made to answer in international organs—for example, the U.N. Security Council or the U.N. General Assembly—for actions taken by their governments that might constitute genocide, indeed actions taken in their territory, even without official government sanction, such as by guerrillas, commandos, or the like. In other words, a state is given—properly—the affirmative obligation to prevent and punish genocide within the area it controls.

In addition, individuals are told directly and explicitly that they cannot hide behind actions of governments in which they participate. All those who support or execute a policy of genocide are warned that the world will not tolerate or excuse their behavior.

Thus, while no one can be certain of the effectiveness of any given document, the Genocide Convention goes far to make genocide unattractive even for those who would not shrink from it on moral grounds.

The Genocide Convention is now 20 years old, but it is a living and important document. Our friends are confused and our enemies are delighted at continued U.S. hesitation about the convention. Adhering to the convention now would be a real step in the advancement of America's national interest.

IMPROPER EMPLOYMENT BY FORMER GOVERNMENT OFFICIALS

Mr. WILLIAMS of Delaware. Mr. President, the Washington Star of September 3, 1970, contains an article entitled "Thirty Million Dollars in Loans Backed by FHA for Teamsters Fund," written by Dick Barnes.

The article states that after the Federal Housing Administration guaranteed $30 million in loans for companies under the control of the Teamsters Union, of which James Hoffa is the convicted president, the official who approved this loan become president of a subsidiary of a corporation owned by the Teamsters Union pension fund.

This illustrates the need for the reinstatement of the law which would prohibit any Government official from accepting within a 2-year period employment with any company to which he as a Government official had rendered service.

Certainly, grave questions are raised as to the propriety of this transaction. I ask unanimous consent that the article be printed in the RECORD.

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

THIRTY MILLION DOLLARS IN LOANS BACKED BY FHA FOR TEAMSTERS FUND

(By Dick Barnes)

SAN DIEGO.—The Federal Housing Administration has taken part in transactions totaling more than $30 million in the last two years involving a Teamsters Union pension fund which has often been investigated.

The government official who approved the arrangements—including one of the largest loan guarantees ever made by the FHA—since has become president of a subsidiary of a corporation partly owned by the pension fund.

The transactions, all involving the FHA's San Diego office, came to light during an Associated Press investigation.

The FHA in Washington says it does not believe it knew at the time of the transactions that they involved the Teamsters Union's Central States, Southeast and Southwest Areas Pension Fund—the nation's largest labor-management pension fund.

The transactions include:

Insuring a $6 million land development loan to a company whose stock is held by the pension fund. The guarantee constitutes 70 percent of all the loans ever made under the Title 10 federal program. It is among the 25 largest guarantees ever made by FHA under any program, the agency said.

Arranging at least $11.8 million in 3-percent-subsidized loans to San Diego corporations which, ultimately, are one-fifth owned by the pension fund.

Insuring a $3.26 million loan at market interest rates for another such corporation.

This Teamsters' pension fund, commonly called the Central States fund, has been the subject of numerous government investigations.

Teamsters President James R. Hoffa was convicted of mail fraud in connection with Central States fund dealings. A federal grand jury is probing the fund's financing of a massive Los Angeles land development project. A lengthy series of federal court trials in New York concerns alleged kickbacks paid to get fund loans.

Despite this attention from government investigators, the fund was able to benefit from FHA programs.

An FHA official in Washington said there is no prohibition against the agency dealing with a union, a union pension fund or a firm whose stock is held by either.

The San Diego transactions were approved by E. L. Tagwerker, then director of the FHA office there.

Tagwerker took early retirement in February and went to work as president of Great Western Mortgage Co., a wholly owned subsidiary of Penasquitos Inc., a land development firm. The president of Penasquitos is Irving J. Kahn, a major San Diego builder who, FHA officials said, negotiated the various loans and guarantees. Penasquitos is 20 percent owned by the Central States fund.

Asked if he had contemplated or received a job offer from Kahn while processing the loans, Tagwerker said "absolutely not."

In answer to questions, Tagwerker said: "I don't know whether FHA at that time (when the transactions were approved) knew anything about Central States, what their ownership position was. I think everybody was aware that Central States had made a loan to Penasquitos."

Leslie Carson, associate general counsel in the Department of Housing and Urban Development, said that, routinely, information on Central States ownership "would not have come to our attention in Washington. But it would be virtually impossible for anybody to certify that nobody knew about it when those transactions took place."

1970 POLICY POSITIONS OF THE NATIONAL GOVERNORS' CONFERENCE

Mr. MUSKIE. Mr. President, at its most recent annual meeting, held August 9–12, 1970, at the Lake of the Ozarks, Mo., the National Governors' Conference adopted a series of policy statements on several of the major issues confronting the Nation.

These policy positions reflect a strong consensus of thinking and attitudes among the elected chief executives of our State governments, and cover a wide range of functions in which effective Federal-State relationships play an important role. Because of their importance in providing both added insight and information on many of the issues before Congress, I ask unanimous consent that they be printed in the RECORD.

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

POLICY POSITIONS OF THE NATIONAL GOVERNORS' CONFERENCE

INTRODUCTION

Policy positions on major issues facing the States and the Nation were adopted by the National Governors' Conference at its 62nd Annual Meeting held August 9-12, 1970, at the Lake of the Ozarks, Missouri.

Because these policy positions represent a significantly important consensus of the thinking and attitudes existing in the States' leadership, they are transmitted herein for your information, consideration and action, as appropriate.

In consonance with a resolution receiving unanimous support at this Conference, whenever reference is made in the policy statements to "the States," such language includes the fifty States and, when relevant, the Territories of American Samoa, Guam the Virgin Islands, and the Commonwealth of Puerto Rico.

The Conference Executive Committee ruled that the policy positions adopted at the 1969 Annual Meeting would remain in effect unless specifically amended or deleted by subsequent action.

Thus, these policy positions are the combined product of last year's Conference, the subsequent work of six standing committees, the Conference Executive Committee's review, and discussion and action at the 1970 Annual Meeting.

In addition to these policy positions, the Conference's committees and staffs have produced committee reports and analytical materials in the areas covered by the policy statements.

Additional copies of policy positions and other related materials are available from the offices of the National Governors' Conference.

ADOPTION OF A COMPREHENSIVE NATIONAL COMMUNITY DEVELOPMENT POLICY

Congress and the Administration should develop a comprehensive National Community Development Policy with the effectuating funds, agencies and programs. The Policy should provide the means whereby federal, state and local elected officials should participate directly in the formulation of national policies and goals and the establishment of major strategies and programs for implementation of such policies and goals. The formulation and implementation of such national community development policies in coordination and consonance with state development policies is essential to achieve the objectives of balanced growth.

A National Community Development Policy should embrace the major areas and issues of concern for the quality of life within the United States. The most basic components for consideration in the formulation of this policy are policies relating to population growth and distribution and to economic development. Other components are policies relating to allocation of natural resources, agriculture, transportation, housing, human resource development, and financing and administration—all established in a

manner that will support policies concerning these two basic components.

ADOPTION OF A NATIONAL POPULATION GROWTH AND DISTRIBUTION POLICY

There should be an adoption of a National Population Growth and Distribution Policy, developed in concert with state and local planning policies, to lessen the congestion, and reduce pressure, on the already overburdened resources of our cities, to offer opportunities for the free movement of all of our citizens to realize their maximum personal potential, to match manpower and job training programs with the needs for community development and to lessen the problems of transportation, environmental decay and social service delivery that are not being adequately dealt with for today's population. Such a policy shall be consonant with a rural-urban balance of needs and regional potentials.

ADOPTION OF A NEW COMMUNITIES DEVELOPMENT POLICY

To effectuate a population growth and distribution policy there should be the adoption of a comprehensive New Communities Development Program which would include expanded communities, new-towns-in-towns and new towns as major components of a national policy designed to relieve growth stresses upon existing metropolitan areas and to promote growth in appropriate areas which have growth potential.

ADOPTION OF A NATIONAL ECONOMIC DEVELOPMENT POLICY

A National Economic Development Policy should be adopted to coordinate economic assistance measures with a national population growth and distribution policy, thereby providing the employment concentrations and economic base that will make such a policy workable, offering more efficient operating environments for industry and concentrated employment centers accessible to workers in either rural or urban areas. Such policy should provide additional incentives to private business and look to new ways that public and private interests can be combined to meet public needs.

ADOPTION OF NATIONAL AGRICULTURAL DEVELOPMENT POLICY

There should be a National Agricultural Development Policy as an integral part of a National Community Development Policy to assure the Nation it can feed itself and meet its responsibilities to other people in the world. Such a policy should reflect the importance of and a system for the preservation and maintenance of agricultural land for future supplies and as necessary habitat for wildlife, water resources and hunting and fishing, all of which are a necessary part of providing quality environment in consonance with a population growth and distribution policy. Further, this Policy should focus attention on improving agricultural production capabilities, transportation, foreign market development, processing agricultural products near the source of production and efforts aimed at developing rural America.

In addition, Congress must act on a viable farm program to assure rural America "parity of opportunity" with the rest of the Nation.

A new farm bill by Congress should be shaped to give rural producers an equal opportunity to share in the Nation's prosperity and growth as all other areas. A federal farm program should be continued by the Federal Government until the market can maintain an adequate price for producers.

A strong farm program is recognized as a deterrent to further out-migration from rural areas to crowded metropolitan centers, a necessary element for a growing economy, and vital to providing reasonable food prices for consumers while assuring a fair return for all agriculture producers.

JOINT FEDERAL-STATE EVALUATION OF RURAL DEVELOPMENT PROGRAMS

The new Office of Intergovernmental Relations, in cooperation with the appropriate federal offices and the National Governors' Conference and local government groups, should evaluate the possibilities and mechanisms for better coordination and delivery of federal and State programs in rural areas. The joint evaluation should examine and make recommendations for action on the following issues:

a. Avenues of cooperation between existing HEW, Agriculture, Commerce and HUD programs and state community development programs.

b. Restructuring of federal field operations to support and complement emerging State and local efforts for comprehensive rural development. As federal departments decentralize, they should utilize to the fullest extent possible the personnel, administrative and technical service of state and local government rather than building up federal field staff to handle delegated authorities for decision-making accompanying the federal field office reorganization.

c. Recognition of state designated multi-county planning and development districts, primarily composed of local officials, as the primary delivery system for most state and federal programs in rural areas.

d. Recognition and support of several States as pilot projects for the purpose of coordinating federal and state programs into a package of rural development services.

ADOPTION OF A NATIONAL LAND DEVELOPMENT POLICY

There should be an adoption of a National Land Development Policy providing guidance as to what lands are appropriate for urban development, agricultural production, conservation and open space and recreation. Such national policies must be related to the allocation and conservation of water, air, minerals and other natural resources and be an integral part of a National Community Development Policy.

ADOPTION OF A NATIONAL HOUSING POLICY

There should be an adoption of a National Housing Policy to coordinate housing investment and construction programs with a National Community Development Policy to carry out social objectives of making a place for all social and economic groups, to take advantage of the environmental and efficiency advantages of such a policy, to provide needed governmental aids for supporting housing construction and marketing, with special support programs to assist those who cannot secure decent housing through normal channels, to make maximum use of new technologies, and to stimulate additional investment by private industry and home property owners, thus adding to the overall housing supply, and to insure the availability of sufficient long-term mortgage financing.

EXPANDING THE HOUSING MARKET

All levels of government, in cooperation with private industry, should take action to expand the market for housing production. Special attention should be given to new methods of production, technological innovation, and marketing institutions in the private sectors and to simplified and flexible state housing codes, increased subsidies for low-income housing, land aggregation and tenant relation programs in the public sector. States should assist in the aggregation of public and private land for housing purposes.

CONSOLIDATION AND COORDINATION OF FEDERAL HOUSING PROGRAMS

The Administration and Congress should undertake the immediate streamlining and coordination of federal housing programs: (1) provide for full cooperation with emerging State housing instruments; (2) phase out, merge, and consolidate the numerous federal low and moderate income housing programs and provide incentives and illustrations for program packaging and mixing; (3) substitute State certification of federal program requirements with only a post audit by HUD; and (4) provide federal operating subsidies, as are now provided to federal housing projects, to State public housing projects.

SUFFICIENT FUNDING OF THE HOUSING AND URBAN DEVELOPMENT ACT

Congress should provide sufficient funding for the Housing and Urban Development Act, especially for Section 236 Interest Reduction, Section 235 Home Ownership, Rent Supplement, Public Housing Programs, and Urban Renewal.

ADOPTION OF A POLICY ON THE MODEL CITIES PROGRAM

For a National Community Development Policy to be effective, it should include concepts for the coordinated delivery of services and financial assistance by both state and federal governments, as conceived in the Model Cities legislation. The entire effort must be a coordinated one which focuses the attention of agencies at all levels of government on specific problem areas within our municipalities.

Congress should amend the Model Cities legislation to provide for a legitimate and positive role for State Government in the operation of the program. Specifically, Section 105 of the "Model Cities and Metropolitan Development Act of 1966" should be amended to authorize the Secretary of Housing and Urban Development to make matching grants to the States to provide continuing planning, coordination, programing and technical assistance services to Model City Agencies.

In those States where the State contributes a substantial portion of the local non-federal financial share, the program should provide for State concurrence in the approval of the selection, program development and funding of all Model Cities applications.

HUD should immediately provide for State review and comment on Model City work programs and supplemental grants.

To assure balanced urban-rural growth, consideration should be given to a Model Rural Area Development program patterned after the Model Cities concept.

It is noted most of the poverty in America lies in the very urban and very rural areas of our Nation. Unless immediate steps are taken to develop the delivery system of federal, State, local, and private resources through the concept of model development areas, this gap will widen at the expense of all Americans in both the dominate urban and rural areas of the Nation.

COMPREHENSIVE STATE PLANNING AND COMMUNITY DEVELOPMENT PROGRAMS

Federal agencies should support the efforts of Governors and the appropriate State agencies designated by the Governors to begin coordinated planning of community development programs. The following specific measures should be undertaken by all federal agencies:

a. Federal administrative procedures and new legislation, where necessary, should be developed to provide financial incentives on a continuing basis to the States to "buy-in" to community development programs, specifically model cities and urban renewal. There should be increased federal provision for joint funding to encourage State efforts for the packaging of community development programs.

b. Both federal and state executives should seek sources of flexible funds for use as "glue money" in putting together and implementing coordinated development programs. At

the federal level, these funds could come from Section 701 of the Housing Act of 1954, Title VIII of the Housing Act of 1964, Title IX of the Demonstration Cities Act, from existing funds for state planning for federal programs in functional areas, or from new legislation.

c. States demonstrating a readiness to act in implementing a package of community development programs and to commit State funds should receive priority attention from federal agencies. Federal funds should also be available to encourage States to develop their own competence in community development planning and programming.

STATE PARTICIPATION IN THE RENEWAL AND NEIGHBORHOOD DEVELOPMENT PROGRAM

HUD should immediately issue an addendum to the Urban Renewal and Neighborhood Development Program Regulations that clearly recognizes the role of positive State participation in this program for: (1) local NDP conformity to State renewal policies; (2) State services to NDP's for application preparation, planning, and implementation measures as eligible project costs; and (3) whenever State laws and requirements for renewal exceed federal requirements, that HUD will accept State certification of local compliance without any further review by HUD.

UNIFORM FEDERAL RELOCATION AND LAND ACQUISITION POLICIES

The Uniform Relocation and Land Acquisition Act of 1969 (S. 1) should be enacted as soon as possible, but with the following amendments: (1) deletion of all cut-off dates for the federal funding of the first $25,000 of relocation expenses; (2) retention of shared funding for all costs above $25,000; and (3) provision of matching grant funds to all States that create uniform statewide relocation and land acquisition policies and programs covering all public programs. The July 1, 1970, cut-off date in the Highway Act of 1968 for federal assumption of the first $25,000 in relocation costs should be deleted.

POLICY FORMULATION MECHANISMS

In order that formulation of a meaningful National Community Development Policy may be undertaken, the procedures of the Domestic Council should provide formal means for bringing the President, the Governors and local elected chief executives together on a regular basis to secure an exchange of views and information on National Domestic Policy and priorities. Further, the Council should give due consideration to the inclusion of the Governors and chief local elected officials in the regular meetings of the Council.

Representation of State and local interests among the staff must be assured.

The President will transmit to Congress his annual report and such supplementary reports as he deems necessary to advise as to progress in formulating a National Community Development Policy and suggested implementing actions.

In addition a joint congressional committee on National Community Development Policy should be instituted. It shall make a continuing study of the annual report on National Community Development and its supplements, and study ways of coordinating programs in order to further the National Policy. The legislation shall require the committee to file a report annually containing the committee's findings and recommendations. The committee may make such other reports from the time as it deems advisable. To maximize citizen participation, the committee is encouraged to hold extensive hearings.

GRANTS FOR COMPREHENSIVE PLANNING AND COORDINATION

Assistance should be provided to plan comprehensively at the interstate, regional, metropolitan and local levels; to encourage local governments to cooperate in solving area-wide problems through comprehensive planning, review, and cordination; to foster intergovernmental attacks on problems of national urban and rural development; and to establish a method for exchange of development information among local, state and federal government.

Any legislation should provide that the grants be administered through the Executive Office of the President for distribution to the States, and through them to regions, metropolitan areas, counties and localities.

REVENUE SHARING

The National Governers' Conference went on record in 1965 in support of the principle that the Federal Government share a portion of its revenue with the States, unfettered as to functions for which it is to be used. The Conference reiterates its stand on this matter, and further recommends, consistent with the criteria approved by the Conference in 1968, that a revenue sharing plan be formulated on the following basis:

(1) Congressional appropriations for revenue sharing should be made on the basis of the federal individual income tax base.

(2) Congressional appropriations for revenue sharing should be made to a trust fund established in the Treasury of the United States.

(3) The sums appropriated should be allocated among the States, based primarily on population adjusted by relative state and local tax effort. The relationship between the taxing ability and the percentage of federally-held and administered land acreage in each State should also be considered.

(4) Congress in its appropriations to the States should specify a pass-through formula to local governments. Eighty percent of the monies which are for distribution to local governments should be passed through automatically according to formula to eligible local governments; twenty percent should be passed through to eligible local governments on application of these units to the States, and should be available for programs at the local level which encourage cooperative or joint efforts of local governmental units to solve a common problem.

(5) The federal pass-through formula should provide for sharing revenue only with general purpose units of government.

(6) The allocation by formula should be made to relatively populous cities and counties based on population and the ratio between the total receipts from all taxes imposed by eligible cities or counties and the total receipts from all taxes imposed by the State and its political subdivisions. The portion of any State's allocation which would be available for local governments within the State would depend upon the portion of total tax revenue raised by the State and that raised by the eligible local units in the State. An alternative state allocation plan of distribution should be accepted if (a) each city and county receive an amount equal to or greater than that allocated by formula, or (b) city and county councils or governing bodies representing fifty percent of those entities entitled to receive at least fifty percent of payments by formula concur in the State's alternative plan.

(7) No functions should be excluded from expenditures made from shared funds.

The Executive Committee is directed to employ every means available toward the immediate and favorable enactment of revenue sharing.

TAXATION OF STATE AND LOCAL BONDS

The National Governors' Conference affirms the basic constitutional principle that neither the federal nor state governments without mutual agreement has the authority to tax the other. The Conference therefore asserts that state and local bonds issued for general governmental purposes must remain tax exempt. The Conference commends the Congress for deleting provisions from the final version of the Tax Reform Act of 1969 which would have subjected their bonds to indirect federal income taxation.

We believe that the municipal bond market will and should continue to be an important source of the capital needs of state and local governments. However, the volume of new bond issues by state and local governments will likely grow substantially in the years ahead in order to finance the increasing demands for new and expanded capital facilities. At the same time, events of the last several years show that these bond issues are particularly vulnerable to anti-inflationary monetary policies and interest rate changes. Based on these facts, the National Governors' Conference recognizes the desirability of developing constructive proposals for broadening the market for state and local bonds. Such proposals should not in any way impair the access of state and local governments to the tax-exempt market or infringe upon these governments' independence in debt financing.

INTERSTATE TAXATION OF BUSINESS

For a number of years the National Governors' Conference has expressed opposition to federal legislation which would restrict the taxing jurisdiction of the State and provide preferential tax immunity to favored multistate businesses, and has expressed full support for legislation which would give congressional approval to the enactment of the Multistate Tax Compact by the States.

This Conference now goes one step further in supporting an expanded and/or specific version of a congressional consent bill for the Multistate Tax Compact to allay expressions of concern in the Congress that the original consent bill set out only a broad statement of purpose, and to counter claims that the States were seeking a sort of blank check in the area of multistate taxation.

The Conference therefore urges Congress to enact legislation, drafted by the Advisory Commission on Intergovernmental Relations in collaboration with the Council of State Governments, which incorporates the Multistate Tax Compact and expresses congressional consent to enactment by the States of a compact substantially the same thereto, plus the following additional provisions:

(1) The three-factor formula (Uniform Division of Income for Tax Purposes Act), developed by the National Conference of Commissioners on Uniform State Laws, is made mandatory for net income taxes upon States which have not enacted the Compact by July 1, 1971;

(2) States are given jurisdiction to require collection of sales tax by sellers making interstate deliveries into a State if the seller makes regular household deliveries there; and

(3) Income taxes may be imposed on congressional salaries only by the district and State represented by the Congressman.

TAXATION OF INDUSTRIAL DEVELOPMENT BONDS

The Conference recognizes that so-called industrial development bonds have been used for non-governmental purposes. Unfortunately, federal legislation adopted in 1968 to remove the tax-exempt status of industrial development bonds erroneously included in its definition some traditional governmental functions and thus made them taxable under this legislation. The Conference reiterates its 1968 resolution urging legislation properly to redefine industrial development bonds.

NEW APPROACHES TO FEDERAL-STATE PARTNERSHIP

Since social and economic problems transcend state boundaries, States have long worked together in efforts to solve them. Most major problems today, however, also require federal cooperation and assistance.

Federal-state partnership in regional problems has taken the form of the interstate compact and the regional commission. The

Appalachian Regional Commission has successfully brought thirteen States and the Federal Government together to plan and administer programs in health, education and transportation, assisted by substantial federal bloc grants.

The expiration date in 1971 of current legislative authorization for the Appalachian Regional Commission and five other regional commissions will necessitate a review of the regional concept. As problems of underdeveloped areas and interstate-metropolitan areas become more complex, it is certain there will be an increased demand for an extension of multi-state administration of programs dealing with these and other problems. The National Governors' Conference recognizes the vital need of effective mechanisms for solving such problems. Any new national legislation should include the following basic points:

Allow the establishment of regional commissions as agreed upon by the Federal Government and the States involved;

Provide for Governors to share decision-making authority equally with federal representatives;

Make federal participation directly responsible to the President, and State participation to the Governor;

Provide adequate funds for initial planning and policy development, and adequate authorization for the future appropriations after the priorities of each commission have been determined; and

Should not be used as a substitute for revenue sharing.

FEDERAL ROLE IN STATE PLANNING

Planning has always been a vital element in the decision-making process, and in recent years must effort has been made at the federal and state levels to improve the methods by which it is done. The Federal Government has shown its concern and interest by many programs of assistance to state and local governments for planning. However, many problems have arisen: a multiplicity of planning grants with different federal requirements; uncertain funding; and no integration of plans, especially at the federal level.

The National Governors' Conference urges that:

The Congress and the Administration should take immediate action to correct the confusing, contradictory, duplicative and overlapping mass of federal requirements and definitions concerning both long-range and annual operational plans. Federal agencies should recognize the Governor as the chief state policymaker and planner responsible for the coordination of all statewide and multi-jurisdictional sub-state planning. The elected heads of local government should be recognized in the same capacity for all state and federal programs operating within their jurisdictions.

An appropriate share of the funds of each functional federal grant program should be made available to the Governor for the purpose of relating functional plans to each other, to statewide goals and policies and to local development policies. This effort should begin with HEW which has thirty-nine programs, each requiring a statewide long-range or annual operating plan.

Major federal planning assistance programs should provide for forward funding on a two or three-year basis; minimum annual funding for each State; interprogram service agreements; evaluation machinery; technical assistance, training and tuition fees as eligible project costs; and minimum standardization and coordination of federal planning definitions and requirements.

INTERGOVERNMENTAL COOPERATION ACT

The National Governors' Conference commends the Congress for passage of the Intergovernmental Cooperation Act of 1968, which among other things, provides for keeping Governors and Legislatures informed of federal grant-in-aid rules and regulations, provides a means to obtain flexibility in administration of the "single state agency" requirement, provides flexibility in state banking of federal funds, authorizes federal agencies to render technical assistance and training services to state and local governments on a reimbursable basis, and provides for federal coordination with local authorities regarding land use.

The Conference is gratified at the action of the U.S. Bureau of the Budget in providing directives for implementation of this Act through Circulars A–95, A–96 and A–97. Governors should especially note Circular A–95, which encourages the establishment of clearinghouses and review procedures through which federally aided local and regional planning and development projects can be coordinated with State activities, and projects of different state agencies can be coordinated with one another. This Circular may potentially be used to enhance the ability of the Governor to coordinate the management of state programs.

The Conference urges Congress now to extend the principles of intergovernmental cooperation by enacting legislation which would establish procedures to allow the simplification of accounting, auditing and reporting of federal assistance funds; authorize the President, subject to congressional veto, to consolidate federal assistance programs within agencies; allow joint funding simplification for the packaging of grants for the same or related programs; and provide for periodic congressional and executive review of grant programs to determine their effectiveness.

TRAINING

The growing complexity of state government programs, and of the many intergovernmental programs in which States are involved, is placing an enormous burden upon state officials and employees responsible for the over-all management and unity of state operations. Training is a necessary part of equipping these officials and these employees to carry their burdens.

The National Governors' Conference commends the Council of State Governments for strengthening its training activities: the Conference notes the successful seminar held in December of 1968 for newly-elected Governors and their aides, the continuing work of the Council and the National Association of State Budget Officers in providing policy-oriented training for budget personnel, the newly established training program for legislators and legislative staff, the recent collaboration with organizations of local officials to provide training on matters of intergovernmental concern, and the scheduled 1970 seminar for Governors'-elect and their aides. The Conference urges further intensification of these efforts.

The Intergovernmental Personnel Act now before Congress should help to strengthen state and local training programs. The Conference endorses the objectives of this Act.

CLEARINGHOUSE FOR STATE CONSULTING HELP

All Governors have on occasion needed the temporary assistance of persons from outside their state governments to bring a different perspective to policy issues as well as to bring to bear technical knowledge and experience in various fields of state government. Although private consulting firms and universities have been used to help provide this assistance, a major reservoir of talent, largely untapped, is the State Governments of the Nation. The use of this talent would be of benefit both to the State receiving help and, through broadening the experience of the personnel involved, to the State supplying the expertise.

The National Governors' Conference requests that its Secretariat establish a clearinghouse to enable States to draw upon the experience and talents in the State Governments by helping States define their problems with precision and clarity, and identifying employees in state governments who are qualified to provide effective assistance.

FEDERAL AID INFORMATION SYSTEM

The National Governors' Conference has followed with interest the development of federal aid information systems in the States. States require such a system so that detailed information on federal aid program availability, plans and performance applicable to the State can be ascertained in response to the inquiries and needs of local governments, state officials and congressmen.

The development of information systems on the availability of federal grants-in-aid points up the fact that aggressive "grantsmanship" is required to obtain all funds to which a jurisdiction is entitled. This should not be necessary. Grants should be made on the basis of need, not on the basis of ability to obtain the grant. The Federal Government should provide each State the detailed information necessary for state and local governments to make and receive approval for grant applications.

The States in turn have an obligation to plan for effective use of funds and to report periodically on financial status and program accomplishments.

FEDERAL GRANT-IN-AID APPROPRIATIONS

The National Governor's Conference acknowledges the importance of federal grants-in-aid in the financing of state and local programs. These aids now amount to nearly one-fifth the total federal domestic budget and one-fifth of total state expenditures. Aid programs have proliferated in the past several years, and now number over 100 separately funded activities.

The number of programs and the large amounts of dollars involved make imperative the proper administration of these programs so that the national objectives toward which they are aimed can be achieved. Many of the policy statements of this Conference deal with this issue with respect to individual programs. The Federal Government—the President, Congress, and the administering agencies—should work closely with state officials in developing appropriation and administrative procedures to provide maximum flexibility in carrying out program objectives and maximum certainty of federal action. Specifically, the Conference endorses the following concepts:

block grant legislation to bring together all grants relating to broad functional areas;

grant consolidation, to allow the President to combine grant programs, subject to legislative veto;

joint funding simplification, to allow federal agencies to cooperate with State requests to combine several grants in the administration of one State program;

appropriations consonant with authorizations, to provide a greater degree of certainty in the amount of funding to be expected;

advance funding for at least two years, especially for construction projects, so that the necessary contracts can be let with assurance of fulfillment; and

annual appropriations prior to start of fiscal year, to provide the States sufficient lead time for planning the program and hiring staff.

REGULATION OF INSURANCE

It is long established national policy to leave to the States the basic task of regulating the insurance industry. The States have demonstrated an ability to do a creditable job of regulation, and in the aggregate the insurance industry is well regulated.

The National Governors' Conference opposes federal legislation which would create a federal bureaucracy for the regulation of insurance, and Congress should be ever-mindful of the States' role in this important area. If corrective national legislation is

necessary, the National Governors' Conference stands ready to work with Congress to achieve positive results.

PREAMBLE

At the request of the Executive Committee, the Committee on Human Resources has reviewed the Policy Statements adopted by the Conference in 1969 in the areas of Welfare, Manpower, Health and Education.

Based on this review and on our assessment of the current domestic problems, the Committee on Human Resources reaffirms the 1969 Policy Statements. In the Committee's view those statements continue to express the priorities for domestic action which we, as Governors, believe should guide the Federal Government in the development of domestic programs.

The continuing fiscal crisis faced by the States and their localities grows more urgent and the demand for the basic human services continues to mount. Thus, prompt and effective action remains a most urgent goal of the Committee on Human Resources.

In order to keep the Human Resources policy statements attuned to current developments, the Human Resources Committee submits for adoption by the 1970 Annual meeting of the National Governors' Conference the following indicated amendment and additions to the policy statements on human resources.

WELFARE REFORM

1. Substitution, on a phased basis, of a federally financed system of welfare payments for the current federal-state program for the aged, blind, disabled, and deepndent children, and including also the general assistance programs now financed by the States themselves. Eligibility and grants would be determined by the Federal Government; the system would be state administered under federal guidelines. The system should include realistic income exemptions to provide incentives for persons to seek employment. Adequate day care for children of working mothers and an expanded federal job training program should also be assured.

2. Increase in the present levels for all payments under the Old Age Survivors Disability Insurance Program, with a minimum payment of $100 per month.

3. Transfer of the present Old Age Assistance, Aid to the Permanently and Totally Disabled and Aid to the Blind programs to the Social Security Program, with payments being made from federal general revenues to the Social Security Trust Fund to cover the increased cost.

4. Review by the Secretary of Health, Education, and Welfare of Federal regulations as to their adverse effect with respect to the following.

a. The use of the declaration system for determining welfare eligibility. Any such system, if mandated by the Federal Government, should provide the States with appropriate options and flexibility as to form and content.

b. The continuation of welfare payments during the pendency of appeal to persons whose grants are reduced or who are determined ineligible.

5. To combat hunger and malnutrition:

a. Increased federal funds for the Food Stamp Program so that welfare recipients and low-income persons in all States could be covered by the Food Stamp Program. We commend the Administration and the Congress for the action taken to date and continue to urge full funding for the Food Stamp Program.

b. Removal of existing provisions prohibiting counties and cities from participating in both the Food Stamp Program and the Federal Commodities Distribution Program.

c. Reduction of the purchase requirements for food stamps and, where necessary, provision of free stamps to welfare recipients.

d. Consideration of providing food stamps in lieu of a portion of welfare payments, subject to the approval of the recipient. We commend the Administration for its proposed amendments to the Family Assistance Act in regard to food stamps and urge their adoption.

e. Transfer of the Food Stamp Program, programs under the School Lunch Act and the Commodity Distribution Program from the Department of Agriculture to the Department of Health, Education, and Welfare. We support the Administration's proposal in regard to Food Stamps and urge its adoption by Congress. We also urge that flexibility be provided for unified state administration where desired.

f. Expansion of federal, state and local programs to provide nutrition education.

6. The Federal Government, in cooperation with the States, should work toward the development of a rational assistance system which takes into account the full impact of the total range of direct and indirect aid to the poor. Such a system should include a national eligibility policy which takes into account all sources of income and which provides for a workable work incentive.

7. The Federal Government should establish reasonable national standards of assistance with required regional or geographic differentials.

HEALTH

1. Adoption by the Federal Government of a national universal health insurance program coupled with hospital cost controls as the primary method of keeping rising health costs from preventing all people from receiving the medical care they need. Such a program should utilize the existing private enterprise medical system. Publicly paid programs such as Medicaid should be used only as a secondary program for those who have used up their insurance benefits. Medicaid should be 100 percent federally financed.

2. Adequate funding by the Federal Government of (a) the Federal Supplementary Food Program for low-income groups vulnerable to malnutrition to make selected nutritious foods available to infants, pre-school children, pregnant women and nursing mothers, and (b) programs to provide free or reduced-price lunches and breakasts through schools, summer recreational programs and day care centers to assure all children from low-income families one or two nutritious meals per day. We strongly urge that attempts to curtail the Supplementary Food Program be stopped and that instead it be further expanded to include adolescent children.

3. Expansion of federal and State programs of grants and loan payments to encourage the development and rehabilitation of health facilities particularly in low-income areas where maternal and child health care is inadequate.

4. Review of the formula for the allocation of federal funds for the construction and modernization of health facilities to assure that the funds are being devoted to meeting the Nation's most urgent needs.

5. Assurance that the allocation within a State of federal funds for the construction and modernization of the various types of health facilities be based on priorities developed by the State and be in accordance with plans developed through state comprehensive health planning.

6. Placement of responsibility for comprehensive health planning in the Office of the Assistant Secretary of Health and Scientific Affairs of the U.S. Department of Health, Education, and Welfare. Such a designation by the Secretary of HEW would be complementary to the major responsibility and reliance placed on such efforts by Governors and enhance the possibilities of achieving a federal-state "partnership" for the improvement of health services.

7. We support restoration of proposed cuts in federal funds for the Medicaid Program or assurance that steps will be taken to insure that these cuts are not merely passed back to state and local governments in the form of increased expenditures or result in reduced services for recipients.

8. Removal of ceilings on the amount of federal expenditures for Medicaid in Puerto Rico.

EDUCATION

1. Assumption by the Federal Government of far greater responsibility for the financing of education. Such increased federal financial participation should take the form of general grants to the States for educational purposes. Both the legislation and federal regulations for such a program should leave maximum flexibility to States and localities to develop programs to meet their most urgent needs. The basic purpose of such a program would be to help meet the rapidly rising basic cost of education, not to stimulate new supplementary programs. Such programs should not mandate the creation of any new state or local administrative mechanisms.

2. Adequate advance funding of existing federal programs commensurate with critical education needs.

3. Consolidation of existing federal grant-in-aid programs for education into broad functional categories, thereby increasing the ability of States and localities to design programs within broad federal policy guidelines to meet critical needs in individual States and localities.

4. Maximum administrative simplification of planning, application, allocation, accounting and reporting procedures for all consolidated grant-in-aid programs to assure that the intended purpose of consolidation of grants is not subverted through detailed administrative requirements.

5. We support the President's proposal to establish an intergovernmental commission on education broadly representative of local, state and federal officials and educational personnel to furnish guidance to the Congress, the executive branch of the Federal Government and the States, for most effective educational programs, and to continually review the goals, quality and cost of our educational system.

6. Provision in federal programs for joint federal-state-local development of standardized statistical data and other information necessary for sound analysis of educational needs and programs. Such standardized and comparable data is essential for educational planning at all levels of government. We commend the Administration for its support of this position and continue to urge adequate funding for the National Center for Educational Statistics and for state efforts to redesign and clarify state and local inputs into the National Center.

7. Immediate funding of student loan program by guarantying interest at the prime rate on student loans.

8. The Federal Government should not cut back the funding of the National Defense Education Loan.

9. We support enactment of a comprehensive program of federal support for community colleges, vocational—technical schools, and comprehensive community colleges or their equivalents. Such legislation should assure:

That any such legislation take into account the diversity of State higher and post-secondary education structures.

That community colleges be an integral part of the total higher and post-secondary education programs of the States.

That programs be administered through state agencies designated as responsible for post-secondary and higher educational planning.

That such legislation not call for the creation of new and additional competing state higher educational agencies.

MANPOWER TRAINING AND DEVELOPMENT

1. Enactment of federal legislation which would consolidate federal manpower programs, provide for flexible funding of these programs, and enable the States to coordinate all manpower training and development activities within a State.

2. Review by Governors of the state administrative structure for manpower programs to assure that each State has (a) an effective mechanism to develop a comprehensive statewide manpower plan, and (b) an agency which has the capability to administer a unified system of manpower services.

3. Establishment of a national computerized job bank which would provide information regarding available jobs and job applicants.

4. Provision for systematic review and assessment of the effectiveness of manpower programs.

5. Establishment of State Manpower Training Staffing Centers with federal financial support to assure an adequate supply of trained personnel to plan and administer manpower programs.

6. Increased efforts by States to work with private business to increase job opportunities for the disadvantaged. Specifically, Governors should work with the National Alliance of Businessmen in the development of a statewide "JOBS" program.

7. The National Governors' Conference has called for the enactment of comprehensive federal manpower legislation which would coordinate federal manpower programs. The Conference also endorses a strong State role in manpower programs so that they can be effectively coordinated. If, however, the State is to be given a major responsibility in the area of manpower, it must also be given adequate authority to meet this responsibility. Federal legislation must assure that States are allowed sufficient flexibility to develop, in close cooperation with local officials, the most effective administrative structures possible.

8. We urge an additional federal program for creating new federally financed job opportunities and related employability development and training.

NARCOTICS AND DANGEROUS SUBSTANCES

1. The National Governors' Conference recognizes the growing epidemic of drug abuse and addiction and the need for consideration of this problem by this Committee as well as the Committee on Law Enforcement, Justice, and Public Safety. It further recognizes that this problem is a national crisis and not limited to any geographic, social, or economic group. Therefore, the following steps are recommended:

Federal and state government should cooperate in the development of a coordinated attack on the narcotics and dangerous substances problem. Such an effort should include law enforcement, prevention and treatment. Toward this end, a joint federal-state coordinating committee should be established.

Prompt diplomatic action should be taken by the Federal Government to reduce the illegal importation of narcotics and other drugs.

States, in cooperation with local governments, should undertake a major public preventive education campaign involving a broad range of community resources including local schools to assure that the true nature of drugs and addiction is well-known.

A full range of treatment resources should be made available to all addicts who can benefit from it. Substantial federal financial resources should be devoted to the funding of a broad range of flexible state and local programs.

The States should join with the Federal Government in an effort to determine the basic underlying causes of the growing drug abuse problem. Such a study should examine the underlying social issues which may lead to addiction as well as the causal processes which promote initiation, continuance, termination, and relapse in drug usage.

THE STATE ROLE IN BALANCED TRANSPORTATION PLANNING AND DEVELOPMENT

The Governors of the States pledge their continued action to deal with the expanding and changing transportation needs in the decade of the Seventies.

1. We commend the U.S. Transportation Department for its development of a National Transportation Policy which centers the responsibility and power for priority decision-making in the chief executives of the States.

2. We call upon all States to study the need to develop administrative and legal mechanisms to plan, develop, finance, construct, administer and regulate the comprehensive transportation system which the citizens of our States deserve. Many States have taken such action by creating state departments of transportation.

3. We strongly endorse the continuation of the Highway Trust Fund as an inviolate source of revenue to the States. We strongly urge the early completion of the Interstate System, with funds thereafter being available to the States for the updating and renewal of our primary and secondary highways, as well as urban systems.

4. We endorse the creation of the Airport/Airways Development Trust Fund, supported by a separate fund source and not from the Highway Trust Fund.

5. We urge the creation of an Urban Mass Transportation Trust Fund, supported by a separate fund source and not from the Highway Trust Fund.

6. We urge the continuation of federal financial assistance programs dealing with railroads, waterways, and highway safety.

7. Each State should be guaranteed that its proportionate share of funds under each trust fund will not be reduced. Furthermore, the Federal Government should not be permitted to divert any trust funds.

8. The Governor, as the elected chief executive of his State, is in the best position to determine the transportation needs and priorities of his own State. Therefore, the Governor must be free from federally imposed restrictions in determining transportation priorities. Federal legislation should be amended to allow each state chief executive the flexibility to carry out the state-determined priorities and needs for transportation development. The Governor should be permitted to exercise his executive prerogatives in meeting the needs of his State by having the ability to transfer, upon a limited basis, funds among the various federal transportation trust funds and grant programs to meet his own State's priority transportation needs.

TRANSPORTATION AND THE ENVIRONMENT

The National Governors' Conference pledges a continued fight against the pollution of our environment by the wastes and by-products of our growing transportation system.

The Governors believe the following problems should be the subject of a sustained anti-pollution effort by the States and the Federal Government:

1. Air pollution caused by gasoline powered automobiles, diesel trucks, locomotives and ships, and aircraft fueled with kerosene and gasoline;

2. Water pollution caused by the spillage from vessels of untreated sewage, oil from machinery and bilges, and crude petroleum spills from tankers;

3. Land pollution caused by sewage discharge from railroad trains, by abandoned automobiles, by litter, and the scarring of landscape from removal of coal and other fuel sources;

4. Noise pollution and nuisance caused by aircraft, autos, trucks, railroad trains, and ships, and by heavy construction associated with transportation.

Perhaps in no other aspect of transportation is there a greater need for States to be free from restrictive federal pre-emption. The Governors call upon the federal government to provide effective minimum standards to protect the basic health and safety of every citizen, while leaving state governments free to deal with problems that have reached extraordinary severity, or to respond to citizen demands for a higher level of environmental quality than that which would be supported nationwide.

The Governors pledge a sustained effort to develop a combination of laws and programs which will punish pollutors of the environment, while providing incentives where necessary to those whose efforts can combat environmental decline. The Governors call upon the Federal Government to join with the States in a vast research effort to measure pollution and to apply innovative technology in discovering new sources of energy and new techniques of reducing and dispensing of wastes produced by our transportation system.

The Governors pledge increased emphasis in the design of highways and other transportation systems so that these facilities complement rather than conflict with the total environment in both its natural and man-made aspects. Further, programs for the preservation and development of historic and scenic vistas along transportation corridors should be encouraged by the reward of additional federal financial assistance for increased state and local action, rather than by the present threat contained in the Highway Beautification Act, of a ten percent penalty in highway funds.

HIGHWAYS

The National Governors' Conference supports continued development of a national, state and local network of highways, streets and roads which are well planned, coordinated, and safe. Highways will continue to be the principal mode in America's transportation system even as it becomes more flexible and balanced in the future.

The Governors urge the following action as part of the partnership between State and Federal Governments in highway construction:

1. Funds from the Highway Trust Fund should not be suspended or withheld; and we hereby request the Executive Committee to take necessary steps to provide that court action be undertaken to challenge the authority of the Executive Branch of the Federal Government to withhold distribution of Highway Trust Funds.

2. Apportionments from the Highway Trust Fund should be made as soon as possible after the 1st of July for the following fiscal year to enable the States to adequately plan their highway construction program.

3. The revolving fund within the Highway Trust Fund, set aside for the advance purchase of right-of-way, should be made available as soon as possible, and continued as a measure of economy and planning.

4. Federal fuel taxes should not be increased to the detriment of the States' ability to use the fuel tax as a source of revenue for the construction and maintenance of the highway system.

5. Primary authority for coordination, planning and flexible distribution of trust funds within the States should continue to be at the State Government level.

6. After completion of the present Interstate System, the Highway Trust Fund should be continued as part of the flexible fund described above. The basic purpose of the Highway Trust Fund in the post-Interstate period should be to strengthen the primary and secondary system, as well as urban systems. Completion of the Interstate System has linked the Nation together as never before, thereby encouraging addi-

tional travel which has placed a heavy burden on those portions of the urban primary and secondary streets and road system that are outdated and inadequate.

7. We endorse the concept of developing a system of scenic highways to allow access to national and state parks and improved recreation areas.

8. We recommend that further study be given for methods by which States can implement the provisions of the Relocation Assistance Program contained in the Federal Highway Act of 1968. Intergovernmental cooperation is needed to overcome the many legal and administrative problems created by this program.

HIGHWAY AND MOTOR VEHICLE SAFETY

The National Governors' Conference views with alarm the tragic number of preventable highway and traffic accidents. We urge the following action to strengthen the intergovernmental effort to make our streets and highways safe:

1. We support the National Highway Safety Administration and commend its creation as recognition of the severity of this problem, and the need for a coordinated attack upon the causes of highway deaths and injuries.

2. The Congress should give its full support to the highway safety program by appropriating the funds necessary to accomplish the mandate of the National Highway Safety Act.

3. The Congress should amend the Act so that funds for highway safety will be allocated in a bloc grant directly to the appropriate state agency designated by the Governor.

4. An incentive program should be developed to reward States with progressive highway safety programs. This would replace the present ten percent penalty clause in the Act.

5. The President should seek the advice and consent of the Governors when selecting representation from individual States for his National Highway Safety Advisory Committee.

6. There should be greater coordination of research conducted by the National Highway Safety Administration, the States and private industry. The Bureau should act as a clearinghouse and information source for such an exchange of information. The Administration should consult with the vehicle equipment safety commissioners of the States when determining minimum standards for vehicle equipment, and should design standards which are sufficiently flexible to permit States to impose additional requirements where conditions warrant.

7. The Bureau should work with the Governors in encouraging the efforts of the private sector in each State to develop public awareness of highway safety.

AIRPORT DEVELOPMENT

The States pioneered in the development of comprehensive airport plans and construction of aviation facilities. Following World War II, cities, counties, and public authorities began the construction of large airport facilities, using excess military airports. In 1946 the Federal Government for the first time began a program of limited financial assistance for airport construction. Forty-eight States have state aviation agencies with varying responsibilities. Twenty-five States own and operate more than 700 airports. Forty-three States have budgeted nearly $180 million for fiscal year 1970 for airport development.

Despite this considerable effort, the National Governors' Conference expresses its great concern over the growing over-loading of our national airways and airport system to meet the air transportation needs of the United States. We commend the Congress for enacting a major new program of financial assistance for airport development. However, this initial step must be supported by the following additional action:

1. Federal legislation imposing new or increased taxes and user charges, particularly taxes on aircraft fuel and terminal use fees, must not preempt but rather preserve the power of States and localities to collect appropriate taxes and fees to support their share of costs for airport development and improvement.

2. The development of a comprehensive National Airport System Plan should be based upon individual State Airport Systems Plans, developed in cooperation with federal and local governments.

3. Sufficient funds must be made available from the new federal legislation for airport planning activities at the state government level. We urge the Secretary of Transportation to set aside not less than one-third of all planning funds in the new Act for use solely by state aviation and planning agencies.

4. We urge all States to join the twenty-seven States which have adopted the "Uniform State Channeling of Federal Airport Funds Act" as drafted by the Federal Aviation Administration in cooperation with the Council of State Governments.

5. We urge all States to consider provisions for connecting ground transportation when preparing airport plans.

URBAN MASS TRANSPORTATION [1]

States are employing broad and varied tools to aid public transportation systems. Every State has exercised its authority to form areawide mass transit districts, and to grant them taxing authority and bonding powers. Several States are now providing direct capital grants for the construction of mass transit facilities. States are involved in providing operating subsidies, and States have used their powers of taxation and tax exemption to stimulate the development of transit service.

State action is a must because of the nature of mass transit problems. The State has the responsibility to give each urban region the attention it requires, but also a responsibility to coordinate among the individual units in that region. The State can usually help resolve conflicts between city and suburban political subdivisions.

The development of adequate, modern systems of urban mass transit is essential to the continued life of the urban areas within our States. To accomplish this purpose, the National Governors' Conference urges the following action:

1. The establishment of a National Public Transportation Trust Fund. The program should be adequately funded by the Federal Government to meet the needs of both the large urban areas requiring subway or rail transit systems, and the growing urban areas requiring bus transportation facilities.

2. The federal assistance program should provide for channeling of transportation assistance funds through an appropriate state agency. The applicant for assistance under the Act should first receive state approval certifying his proposed project as part of or consistent with a statewide or regional comprehensive transportation plan.

3. The Governor or his designee should have authority to set priorities for the funding of public transportation projects within the State, and these priorities should be honored by the Federal Department of Transportation.

4. The establishment of a major federal grant program to States for public transportation planning and development should require recipient States to have a program of tax exemption or financial assistance to public and private transit systems, a specific statewide agency responsible for public transportation development, and a statewide transportation program in progress.

5. The Congress should act to exempt public and private transit systems from the federal gasoline tax, thereby providing these systems with a form of badly needed financial relief that has already been provided at the state level in several cases.

RAILROADS

The National Governors' Conference is concerned about the decline of the railroads as a major element in the American transportation system. The railroads are essential to the continued economic role to fill in the movement of persons. To strengthen our Nation's rail system, we urge the following:

1. Federal legislation which would provide for the establishment of a national rail passenger system, with financial assistance from the Federal Government and private industry, and a significant role for the States in the determination of necessary services and facilities for a balanced rail transportation system.

2. Federal legislation to create a federal-state partnership in regulating the safety of our railroad system. We urge legislation providing for State regulation of all stationary railroad facilities including roadbeds, grade crossings, and station installation, and for federal financial assistance in this intergovernmental effort.

3. The Congress should conduct a complete investigation of present federal laws, regulations and policies now governing the railroad industry to determine what unnecessary burdens and impediments are placed upon the industry, inhibiting its adequate maintenance and development. This study should include an examination of the role and policies of the Interstate Commerce Commission and the Department of Transportation, and it should study methods for maintaining inter-city service.

4. State and local governments should completely review their laws and regulations affecting taxation of railroad property and imposition of unneeded manpower requirements. A careful study should be made of the cost burden paid by railroads for construction and maintenance of grade separations and crossings to determine an equitable method of sharing the costs between the beneficiaries.

5. We commend the Congress for its farsighted action in creating the research and development programs for railroads and high-speed ground transportation. We urge continued, adequate funding for these programs.

6. We call upon the railroad industry to recognize its responsibility to the American people to use new initiative and energy in improving passenger service. Better management techniques and creative investment of resources can strengthen this vital component of the Nation's transportation network.

WATERWAYS

The National Governors' Conference supports the establishment of national, uniform standards for safety in the manufacture and maintenance of boats. We support continued State licensing and regulation of boat operators and operations.

We recognize the growing need for ferry

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[1] Scheduled for consideration on August 10, this policy position was referred back to the Committee on Transportation, Commerce, and Technology, at the request of the Committee Chairman, to be considered in the context of revisions to policy position D.—1 which had been previously referred back to the Committee for further study and final action on August 12. Although not brought to the floor as a separate policy proposal in the Conference's final actions on August 12, it was the Committee's intent that this policy position be considered in conjunction with policy position D.—1 which was approved by the Conference. Technically, this policy position (D.—6) may be considered as policy of the Committee on Transportation, Commerce, and Technology.

boat and water surface transportation systems where these are the least expensive and most practical way of extending transportation connections. We call upon the Federal Department of Transportation to initiate an action program to give aid to those parts of the Nation in need of such water transportation development.

COMMUNICATIONS

The National Governors' Conference recommends to the Congress and to the Federal Communications Commission the full reexamination of the present allocation of the frequency spectrum.

Special attention should be given to the increasing need to allocate radio frequencies for emergency and public services. A special frequency, common throughout the Nation, should be established for emergency medical services to facilitate communications between ambulances and hospitals.

COMMERCE

The National Governors' Conference endorses development of a commercial freight rate structure which is non-discriminatory and does not promote inefficiency, and we urge Congress to undertake a study to this end.

ADMINISTRATION AND IMPLEMENTATION OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT

(a) *Condemnation of LEAA*

The National Governors' Conference commends the administrators and staff of the Law Enforcement Assistance Administration for their extensive and helpful cooperation with the States in implementing the Omnibus Crime Control and Safe Streets Act of 1968. Their actions in fostering the development of qualified staff at the state level, providing wide latitude to the States in developing plans for improving the entire criminal justice system, and generally supporting the general state partnership required in a bloc grant program sets an outstanding example that could well be emulated by other federal departments. Their efforts to insure the success of this first program embodying a true bloc grant approach to an intergovernmental problem are noteworthy.

(b) *Fiscal policies*

The National Governors' Conference strongly urges the Congress of the United States to provide full funding for the Omnibus Crime Control Act to insure the effective accomplishment of intergovernmental crime control action in dealing with one of the Nation's most serious domestic problems. We urge uniform matching requirements for all of the programs under the Omnibus Crime Control Act, including discretionary money, at a ratio of ninety percent federal and ten percent non-federal matching.

We oppose the mandating by Congress of bloc grant funds for any specific program purpose thus limiting the States' flexibility.

We oppose the administration of bloc grant funds in so restrictive a manner as to, in effect, make them into a categorical program.

We also oppose any action by the Congress which would mandate a specific percentage of State appropriated funds to match local crime control programs.

STATE-CITY COOPERATION

The National Governors' Conference restates and reemphasizes its commitment to vigorous and effective action to control the burdening crime problem in the urban areas of our States. Recognizing that the plague of crime knows no jurisdictional boundaries, the Governors of the States pledge their active support to the comprehensive planning and intergovernmental action called for in the Omnibus Crime Control Act of 1968. The Governors are firmly committed to the need for a working partnership with elected and other policy-making officials in the counties and municipalities of our States to accelerate efforts in developing comprehensive metropolitan crime control programs and facilities. We support and encourage voluntary State assistance to local governments for criminal justice programs.

CRIMINAL CODE REVISION

The National Governors' Conference finds that one of the most critical needs in the improvement of many States' criminal justice systems in the revision, modernization and simplification of the criminal code, including a model sentencing code. The Governors of the States pledge their commitment to request the State legislatures, in cooperation with the appropriate state and local criminal justice officials and members of the bar, to review and, where necessary, revise the State criminal code immediately, and at least once each decade thereafter.

The National Governors' Conference requests that the American Bar Association, together with other national organizations of the criminal justice bar and bench, provide professional leadership by assisting the States in this code revision effort. We urge careful consideration by all States of the American Bar Association Standards for the administration of Criminal Justice.

The Governors urge the United States Department of Justice to establish a clearinghouse for state criminal code revision efforts. This office should serve only as a source of advice and information-sharing among the States.

CRIMINAL JUSTICE SYSTEMS IMPROVEMENTS

The National Governors' Conference expresses its strong commitment to the integration and cooperation of all state and local criminal control efforts into a streamlined efficient system of criminal justice administration:

A. To this end, the Governors of the States support, encourage and will pursue the following steps to aid law enforcement officials:

1. Personnel:

a. Development of minimum statewide professional standards for police recruitment, training and performance, and improvement in law enforcement officers' salaries.

b. Development of incentive or merit systems to insure recognition and advancement of those who excel.

c. Recruitment and training of staff and auxiliary service personnel to relieve the law enforcement officers from clerical and support duties.

d. Development of comprehensive law enforcement officer training programs to include operations, public administration, law, technology, available social services and human relations.

e. Encouragement of educational advancement to work-study programs, in-service training, and scholarships for full and part-time professional study.

2. Resources:

a. Development of a statewide integrated information and communication system to facilitate intergovernmental cooperation in crime control.

b. Development of statewide or regional crime laboratories.

3. Relationship to the community:

a. Programs of public support and education to improve understanding and cooperation between the citizen and the law enforcement officer, including education programs at the junior and senior high school levels, to develop understanding of the criminal justice system.

b. Increased recruitment for police service careers from among persons of all races and economic situations.

B. To this end, the Governors of the States support, encourage and will pursue the following steps to improve the judicial process:

1. Personnel:

a. Request legislation establishing statewide professional and educational standards for all judges and court administrative officials, elected or appointed, to state or local courts.

b. Establish statewide minimum salaries for all judges and court administrative officials.

c. Establish procedures for the administration of judicial conduct, discipline and retirement.

d. Institute statewide assigned counsel or defender systems, financed by the jurisdiction which has the responsibility for prosecution.

2. Organization:

a. Create unified systems with specialized branches where appropriate.

b. Urge the Congress to ratify the Interstate Agreement on Detainers on behalf of the Federal Government.

3. Procedures:

a. Improve jury selection systems by modernizing criteria for exclusion from duty, instituting better record-keeping, and increasing compensation for public service.

b. Modernize archaic court procedures in areas such as providing expanded pre-trial discovery, extending prosecution's right to appeal from pre-trial rulings suppressing evidence, and providing simple state post-conviction procedure.

c. Institute statewide procedures for promoting just and uniform sentencing.

d. Institute procedures to require counsel for a parole violator.

C. To this end, the Governors of the States encourage, support and will pursue the following steps to aid and improve the corrections system:

1. Personnel:

a. Commit additional resources to probation and parole sources to reduce the existing imbalance between institutional maintenance and field services.

b. Improve recruitment, training and retention of correctional personnel by increases in salary, scholarships for professional training and intensive in-service training programs.

c. Institute probation and parole services which make use of volunteers and some professional aides, including ex-offenders.

d. Develop improved standards and procedures for parole decision-making.

2. Institutions:

a. Establish and enforce statewide standards for jails and detention institutions.

b. Provide separate detention facilities for juveniles and women.

c. House and process persons awaiting trial separately from convicted offenders.

d. Provide separate treatment for individuals requiring specialized rehabilitation, such as narcotics addicts or alcoholics, on a regional or statewide basis.

3. Programs:

a. Development of more intensive community treatment programs as alternatives to institutionalization.

b. Upgrade basic education and vocational training for inmates, and institute programs for job development, placement, and follow-up.

c. Design all rehabilitation programs so that they improve the re-entry of offenders into the community.

d. The consolidation of the administration of state correctional programs.

e. Adoption of the Interstate Correctional Compact providing for regional and interstate cooperation for the development of correctional institutions and programs.

D. Total system needs:

Development of mandatory statistical data collection and analysis for all components of the criminal justice system including police administration, court caseload, correctional data, and expenditures by state and local governments for criminal justice institutions.

THE PREVENTION AND CONTROL OF JUVENILE DELINQUENCY

The National Governors' Conference believes that any attempt to comprehensively

prevent and control juvenile delinquency calls for bold, broad, basic and new approaches including redeployment of personnel and resources.

Commitment to the task of preventing juvenile delinquency requires:

a. Commitment to long-term research and development adequate to cope with the complexity of the delinquency problem.

b. A conscious broadening of the framework within which the problems are analyzed and remedies sought. There must be a willingness to examine and challenge all traditional operations.

c. The significant involvement of youth in any community's effort to understand and prevent juvenile delinquency.

d. Coordination of private and public services to youth including character building efforts and those geared to correction and rehabilitation.

e. Focusing attention and efforts on youth at an earlier age than we have previously.

f. A careful reevaluation of the unique role of the family in American societies.

g. Realism about the cost of long-range preventive efforts.

h. Establishment of vocational schools without severe standards and criteria to give every boy and every girl an equal education in the area of high rate unemployment.

In recognition of the key role which State Governments play in the intergovernmental effort to prevent and control juvenile delinquency, the Governors of the States urge that each State undertake to provide leadership and funding for the coordination of planning and services of all state agencies which contribute to the prevention, control, and treatment of juvenile delinquency. Such coordination should encompass the States' effort under the Omnibus Crime Control and Safe Streets Act. Each State should emphasize and strengthen its commitment to programs designed to prevent delinquency, giving particular emphasis to home and school-centered programs aimed at youth who are in danger of becoming delinquent.

Because of the seriousness of the problem of juvenile delinquency and the need for major governmental action, the National Governors' Conference expresses its concern with the Juvenile Delinquency Prevention and Control Act of 1968. We find that it is poorly drafted as enacted, that it is inadequately funded, and that its administration is not properly coordinated with that of the Omnibus Crime Control Act. We urge that the Congress of the United States amend the Crime Control Act to provide for the transfer of the responsibility for administration of Title I of the Juvenile Delinquency Prevention and Control Act to the Law Enforcement Assistance Administration.

ORGANIZED CRIME

The National Governors' Conference pledges full support and cooperation in the intergovernmental war on organized crime. To this end, the Governors of the States recommend the following actions by federal, state and local authorities:

a. Enactment of general witness immunity statutes at federal and state levels.

b. Formation of organized crime intelligence units in the offices of appropriate state agencies designated by the Governor and in local law enforcement agencies.

c. The continuation of federal technical assistance and training programs designed to assist in the development of competent staff for state and local jurisdictions, and the funding of federal assistance for development of state intelligence systems.

d. The creation and financing of state level programs to investigate the problems of organized crime, including the infiltration by crime syndicates into legitimate businesses and state and local governments, by focusing public attention upon the problem by means of crime commissions and grand jury investigations.

e. The drafting and publication by the Suggested State Legislation Committee of the Council of State Governments of a Model State Corrupt Business Practices Act to aid States in preventing the infiltration and takeover of legitimate businesses by organized crime forces. Such a proposed law should include provisions for cancelling the State charters and licenses for any businesses so undermined.

f. The drafting and publication by the same Committee of a Model State statute to implement appropriate procedures for wiretapping and electronic surveillance and investigation by authorized law enforcement agencies, and to implement the provisions to Title III of the Omnibus Crime Control and Safe Streets Act of 1968.

DRUG ABUSE

The National Governors' Conference is concerned with the extensive proliferation of the narcotics and drug abuse problem. Because of its multi-faceted nature and complexity, it is both proper and necessary that the problem be addressed by this Committee as well as the Committee on Human Resources. To combat the pervasive problem of narcotics and drug abuse, the Governors of the States recommend the following urgent efforts:

1. Federal and State Government should cooperate in the development of a coordinated attack on the narcotics and dangerous substances problem. Such an effort should include law enforcement, prevention, and treatment. Toward this end, a joint federal-state coordinating committee should be established.

2. Enactment by the States of the Uniform Controlled Dangerous Substances Act, as well as other drug control legislation which:

a. Grants courts and correctional authorities sufficient flexibility with user to permit individualized sentencing and treatment, and the imposition of appropriately severe sentences for pushers and sellers.

b. Requires prompt disposition of the offender's case.

c. Effectively unified all state drug control programs and coordinates all private and public efforts to control drug abuse.

3. Development of state programs for the rehabilitation and treatment of offenders requiring close supervision and control while correcting problems of drug abuse by providing alternative methods for disposition of drug users by the establishment of adequate facilities for both voluntary and involuntary admissions and for out-patient treatment programs.

4. Development of more aggressive efforts in customs and law enforcement by the Federal Government in cooperation with state officials in the border states to halt the illegal importation and smuggling of drugs, narcotics, and other dangerous substances. The Federal Government should simultaneously undertake efforts at the diplomatic level to achieve this purpose.

5. The enactment by the Congress of the proposed Controlled Dangerous Substances Act of 1970, as proposed by the U.S. Department of Justice.

6. The enactment of interstate compacts to further cooperation among the States in the control of drug and narcotics abuses.

THE CRISIS OF UNREST

The National Governors' Conference recognizes and supports the historic and constitutional right of all citizens to dissent from public policies, and to seek to change such policies through public assembly, and through the peaceful expression and exchange of views.

Violence and disorder are not justified in a democratic society. We condemn lawlessness on all sides, be it by those who dissent from public policies, those who support them, or those who are called upon to keep or restore the peace. We affirm that the first responsibility of the peace-keepers is to protect the safety and lives of all those involved; however, we recognize also the correlative right of the peace-keepers in the discharge of this responsibility to use such force as may be necessary for their own self-protection.

We believe that change in a democratic society must be achieved through the calm and reasonable exchange of views. And to that end we urge greater dialogue and understanding among all segments of our society so that we might prevent the polarization of views, and the escalation of differences to the point of violence.

On the campus, we believe that the faculty and administration have the primary responsibility for the prevention of disorder and the preservation of the tranquility of the learning community. But we also affirm the right and responsibility of the State to act to restore peace both on the campus and in the larger community when other means have been tried and have failed.

We also pledge our efforts toward the constant renewal and revitalization of the institutions of our society . . . not only in education but in government and business as well . . . to prevent them from becoming impersonal toward the citizen, neglectful of the society, and brittle or unresponsive to each generation of Americans.

FIREARMS CONTROL

The National Governors' Conference, recognizing the varying requirements for firearms legislation in each State, recommends and will pursue legislative enactment of:

1. Federal and State laws controlling the transportation and possession of military-type firearms and ordnance, other than small arms.

2. State laws prohibiting certain categories of persons, such as habitual alcoholics, drug addicts, mental incompetents, persons with a history of substantial mental disturbance, and persons convicted of felonies, from buying, owning, or possessing firearms.

NATIONAL GOALS ARE NEEDED

There is a need for the President and Congress to set national goals in the fields of ecology, environment, conservation, and population. It would simplify the direction of state and local efforts if they could mesh their goals with national goals. These goals should stand out as signal flags on the halyards of our ship of state so that all could see them and understand them.

STRONG STATES IN THE FEDERAL SYSTEM ARE NEEDED

There must be a constant recognition of the need to place as much responsibility as possible in planning and action at the state and local levels, including such action that might necessitate interstate compacts. The unique abilities of State and local government to recognize priorities at the grass roots level should be respected and understood by the Federal Government. State governments should be permitted to set higher minimum standards than the Federal Government in the fields of environmental management and conservation.

The States need as much flexibility as possible in adjusting state and local programs to those needs unique to the area, economy, etc. Therefore, the bloc grant approach to federal planning and action funds disbursement is preferred over categorical grants.

MORE RELEVANT EDUCATIONAL EFFORTS IN ENVIRONMENT, CONSERVATION, AND POPULATION ARE NEEDED

We must recognize the urgent need for the teaching of environment, conservation, and population as a major basic educational requirement in primary, secondary, and higher education. Curricula of traditional offerings at all levels of education need to be ex-

amined for their relevance to the rapidly changing conditions of environment, natural resources, and population.

The competition for students' attention to a wide range of study matter should not be allowed to prevent a full understanding of the natural forces at play on this planet. Too often in the past, students have not been adequately taught the subjects of environment, conservation, and population, and have not learned the interrelationship of these subjects. Yet failure to understand this relationship could possibly spell mankind's doom if informed action based on knowledge is not taken by the public.

States should require a constant updating of educational curricula in order to strengthen the offerings in environment, conservation, and population.

A NATIONAL VOLUNTARY POPULATION DISTRIBUTION POLICY IS NEEDED

The United States needs to develop a national policy on voluntary population distribution. It is now projected that the population of the United States will rise from 200 million people at present to more than 300 million people by the year 2000.

Our Nation has practiced population distribution incentives in the past through such devices as the Homestead Act. A new and fresh approach to population distribution at the present time is needed.

The social and economic problems of overpopulated areas include ghettos; poverty; mass transit demands; overloaded educational, health, and recreational services; pollution of air and water; increased crime; and a growing level of individual frustration and nervous tensions.

On the other hand, underpopulated areas are suffering high economic and social costs as well. These costs are brought on by an inadequate tax base and too few people to support necessary institutions on a community basis such as schools, churches, hospitals, recreational areas, etc.

Environmental management and conservation become excessively costly because of the severe population imbalance between the overpopulated States and those which are underpopulated.

The Federal Government, through its inadvertent and uncoordinated planning and programs, is one of the major factors in creating population imbalance.

There are remedies that should be attempted to alleviate population imbalance. Subsidized low interest rates could be offered on loans for industrial expansion in under populated areas. Manpower training programs to assure an employee supply to industries which would expand outside of congested areas could be implemented. A revamping of the Interstate Commerce Commission freight rates, which now make economic expansion virtually impossible in some underpopulated areas, could be adjusted to permit industrial expansion in underdeveloped areas.

Federal tax incentives might be given to industries that locate away from overpopulated areas. Special federal grant programs to strengthen the desirability of living in underpopulated areas might be made. Grants for educational, health and recreational services necessary in order to attract people to live in areas now considered underpopulated would lessen the cost and burden of trying to provide these same services to the same people if these people are attracted to densely populated areas.

NATIONAL AND STATE COASTAL ZONE POLICY PLANNING AND MANAGEMENT ARE NEEDED

A. National coastal zone management

The coastal zone presents one of the most perplexing environmental management challenges. The thirty-one States which border on the oceans and the Great Lakes contain seventy-five percent of our Nation's population. The pressures of population and economic development threaten to overwhelm the balanced and best use of the invaluable and irreplaceable coastal resources in natural, economic, and aesthetic terms.

To resolve these pressures, two actions are required. First, an administrative and legal framework must be developed to promote balance among coastal activities based on scientific, economic, and social considerations. This would entail mediating the differences between conflicting uses and overlapping political jurisdictions.

Second, efforts must be made to gain additional knowledge of the nature of the coastal zoning and the multiple effects that different uses would have upon our environment.

States must assume primary responsibility for assuring that the public interest is served in the multiple use of the land and water of the coastal zone. Local government cannot be expected to cope with the broad spectrum of interrelated coastal problems, nor can local political subdivisions be expected to make their judgments consistent with those of many interlocking political jurisdictions.

Coastal states, because of unique conditions existing along their shorelines, have advantages in coping with coastal zone planning and management that the Federal Government does not have. The Federal Government, however, should establish incentives and assistance to help the coastal states prepare plans and action.

The ultimate success of a coastal management program will depend on the effective cooperation of federal, state, regional, and local agencies. At the federal level, this would require the development of goals and an administrative framework which would avoid the existing duplication, conflict, and piecemeal approach that is too often typical of federal planning assistance programs. Any federal legislation which attempts to establish a coastal program must allow States the necessary flexibility for creating management instruments most suited to their specific conditions.

Basic to a coastal management program are the funds necessary to plan and take action. The requirements for coastal zoning management are so urgently needed in the Nation's interest that federal monies must be made available to the States at a level which will not only provide incentive, but will allow an adequate program to be developed based on federal, state and local participation.

Any attempt to diminish the federal financial participation or to shift the burden to the States will result in irreparable delay and inadequacy in bringing under control the serious coastal environment and natural resource conservation problems.

B. Coastal States organization

In recognition of the need for preserving the invaluable and irreplaceable marine resources of the Nation, and in response to the National Governors' Conference, policy statement calling for the formation of a maritime states organization to pursue those ends, the Coastal States Organization was established.

Among its responsibilities, the Organization will:

(a) contribute to the development of common policy regarding national coastal zone management legislation and programs, and serve as spokesman for the maritime states, territories, and trust territories on marine and coastal affairs;

(b) provide mutual assistance in solving common State and intermarine resource problems; and

(c) serve as a clearinghouse for information relative to marine activities of the member States.

In affirmation of the responsibilities and powers of the States in the management of marine and coastal affairs, and in recognition of the purpose of the Coastal States Organization to further these goals, the Governors urge all eligible States to become members of the Organization, and encourage the full cooperation of all States, inland as well as coastal, in the efforts of the Organization.

A CHANGE IN NATIONAL ATTITUDES TOWARD NON-REPLACEABLE NATURAL RESOURCES IS NEEDED

There is a growing need to establish a new attitude in America among consumers which differentiates between quality of living and standards of living, as well as quantitative consumption and quality of life.

For example, we should examine the wisdom of our present system of reduced electric power rates as a reward for heavy consumption when that consumption might be beyond the electric consumption needed for a specific business or residence.

A flat rate for an adequate amount of electric energy based on the size of family or industrial need could be established. Sharply rising rates for electric consumption above the adequate standard set would provide a penalty for that waste which does not contribute to our economy or to the quality of living.

The consumption of non-replaceable coal in the thermo-generation of electricity which is wasted does not add to the quality of life and is an example of squandering natural resources without significant benefits to mankind.

Waste of fresh water cannot be tolerated indefinitely. Less than one percent of the water on the face of the earth is potable. In the face of rising populations and per capita water use, we are faced with the need to conserve our precious water resources by eliminating unnecessary waste. Wasted water adds nothing to our quality of living.

The same principle which applies to the wasteful use of electric energy and potable water can be applied to the use of petroleum products in our automobile engines. States should consider a policy of encouraging smaller but adequate engines through sharply graduated license fees which discourage larger than necessary engines that do not contribute to the quality of living. There are far too many vehicles in use today which wastefully consume the non-replaceable crude oil resource and add unnecessary pollutants to the air.

The national attitude which equates some forms of waste with a high quality of life needs to be changed. Waste does not add to the quality of life, but in fact denies a high quality of life to future generations.

STATE LAND USE PLANNING IS NEEDED

There is an interest and need for a more efficient and comprehensive system of national and statewide land use planning and decision-making. The proliferating transportation systems, large-scale industrial and economic growth, conflicts in emerging patterns of land use, the fragmentation of governmental entities exercising land use planning powers, and the increased size, scale and impact of private actions have created a situation in which land use management decisions of national, regional and statewide concern are being made on the basis of expediency, tradition, short-term economic considerations, and other factors which are often unrelated to the real concerns of a sound land use policy.

Across the Nation, a failure to conduct sound land use planning has required public and private enterprise to delay, litigate, and cancel proposed public utility and industrial and commercial developments because of unresolved land use questions, thereby causing an unnecessary waste of human and economic resources and a threat to public services, often resulting in decisions to locate utilities and industrial and commercial activities in the area of least public and political resistance, but without regard to

relevant environmental and economic considerations.

The land use decisions of the Federal Government often have a tremendous impact upon the environment and the patterns of development in local communities; that the substance and the nature of a national land use policy ought to be formulated upon an expression of the needs and interests of state, regional, and local government, as well as those of the Federal Government. Federal land use decisions require greater participation by state and local government to insure that they are in accord with the highest and best standards of land use management and the desires and aspirations of state and local government.

The promotion of the general welfare, and to provide for the full and wise application of the resources of the Federal Government in strengthening the environmental, economic and social well-being of the people of the United States, we believe, is a continuing responsibility of the Federal Government, but should be consistent with and recognize the responsibility of state and local government for land use planning and management.

There should be undertaken the development of a national policy, to be known as the National Land-Use Policy, which shall incorporate environmental, economic, social and other appropriate factors. Such policy shall serve as a guide in making specific decisions at the national level which affect the pattern of environmental and industrial growth and development on the federal lands, and shall provide a framework for development of interstate, state and local land use policy.

The National Land Use Policy should:

1. Foster the continued economic growth of all States and regions of the United States;

2. Favor patterns of land use planning, management and development which are in accord with sound environmental principles and which offer a range of alternative locations for specific activities and encourage the wise and balanced use of the Nation's land and water resources;

3. Favorably influence patterns of population distribution in a manner such that a wide range of scenic, environmental and cultural amenities are available to the American people;

4. Contribute to carrying out the federal responsibility for revitalizing existing rural communities and encourage, where appropriate, new communities which offer diverse opportunities and diversity of living styles;

5. Assist State Government to assume responsibility for major land use planning and management decisions which are of regional, interstate, and national concern;

6. Facilitate increased coordination in the administration of federal programs so as to encourage desirable patterns of environmental, recreational, and industrial land use planning; and

7. Systematize methods for the exchange of land use, environmental and economic information in order to assist all levels of government in the development and implementation of the National Land Use Policy.

Intelligent land use planning and management provides the single most important institutional device for preserving and enhancing the environment and for maintaining conditions capable of supporting a quality life while providing the material means necessary to improve the national standard of living.

FULL FUNDING AND IMPLEMENTATION OF STATE COMPREHENSIVE OUTDOOR RECREATION PLANS IS NEEDED

Remaining undespoiled natural areas of wetlands, forests, plains, deserts, and mountains are being exploited and despoiled at an alarming rate. The expenditure of outdoor recreational funds should not be diverted from the urgent need to acquire and protect these natural areas.

Crash funding programs that seek to carve urban parks in the midst of urban glut are dramatic examples of inadequate planning. The overcoming of inadequate planning in the past through crash programs should not be allowed, through the monopoly of limited funds, to perpetuate inadequate planning, insufficient preservation, and too late acquisition for future generations.

Meanwhile, however, we must also recognize that these long range plans are being eroded by present and increasing pollution of our water resources.

The National Governors' Conference, therefore, calls upon the Congress and the Administration to support also the appropriation of the full 1.25 billion dollars authorized by the Congress for the construction of waste water treatment plants. Any retreat from this promised federal commitment will further delay the way when American citizens will have access to adequate supplies of unpolluted water for recreational and other uses. Further delay will also increase the construction costs involved in bringing about clear waters, and it will represent a betrayal of those States which have, through prefunding, relied on past federal promises that funds would be forthcoming by now.

Full funding and implementation of state comprehensive outdoor recreation plans and national sewage treatment plant construction programs is the best means of solving both short-run and long-run recreational problems of megalopolis.

A REVITALIZATION OF FORESTRY BY ALL OWNERSHIPS IS NEEDED

There is an urgent need to revitalize forestry efforts nationally on all ownerships. The timber supply situation has pointed up the need for strong direction by the Administration.

The future demands for lumber and forest products will provide increased competition between the many uses of a shrinking forest land base. There are presently substantial acreages of state, private and federal lands potentially capable of producing forest products, but are in need of reforesting.

Proven timber management practices could be instituted by the Forest Service and the Bureau of Land Management and other public and private forest management agencies to promote increased or high yield timber growth on existing timber-producing lands, provided funds were made available for this purpose.

The Federal and State Governments need to establish a policy to encourage reforesting of denuded publicly-owned commercial forest lands.

Existing programs need to be strengthened to offer greater inducements for private landowners to reforest their lands. A great number of public values would thus accrue, beyond those to the landowner individually. Such benefits as establishing and improving watersheds and water quality, arresting soil erosion, improving flood control and stream sedimentation, wildlife habitat and recreational opportunities would result. The increased fiber would contribute to the housing needs of a growing Nation.

NATIONAL CLEARINGHOUSE AND REGISTRATION OF CHEMICALS

Whereas, over 6,000 chemicals are released into our air, water and land; and

Whereas, there is a need to study and analyze all chemicals before they are introduced into our environment; and

Whereas, there is a need to continuously monitor all chemicals in the environment:

Now, therefore, be it resolved that the National Governors' Conference urges that a national clearinghouse be established to 1) register all chemical compounds released into our environment, 2) pre-screen each chemical as to its ecological effects prior to its introduction, and 3) continuously monitor these chemicals in our environment, and that this action by the member Governors be transmitted to the President as evidence of our sincere and genuine concern.

VIETNAM PRISONERS

The National Governors' Conference is united in expressing outraged indignation at the consistently inhumane treatment of United States soldiers held captive in North Vietnam.

Identities of prisoners are kept secret. Mail from relatives is not delivered. Representatives of internationally recognized agencies are not permitted access to prisoners. All these things are in blatant violation of the Geneva and Laos agreements.

We condemn this despicable circumstance which causes unnecessary anguish to the men, their families and friends. And we urge United States authorities and those in other civilized nations to mobilize all agencies at their disposal to correct these abominable conditions.

UNITED STATES TERRITORIES AND COMMONWEALTH OF PUERTO RICO

All policy statements of the National Governors' Conference, wherever, reference is made to "The States," or "The Fifty States," etc., shall also include where relevant the additional words "and the Territories and the Commonwealth of Puerto Rico".

PRESIDENTIAL VOTE FOR PUERTO RICO

Section 5 of the Organic Act of 1917, an Act to provide a civil government for Puerto Rico, extended American citizenship to the people of Puerto Rico. However, United States citizens residing in the Commonwealth of Puerto Rico who are eligible to vote cannot do so for President and Vice President of the United States.

Equally, residents of Puerto Rico who move to the States and who otherwise qualify as voters become eligible to vote for President and Vice President of the United States. Residents of the several States who are otherwise qualified to vote become ineligible to vote for President and Vice President of the United States if they move to Puerto Rico. Purely geographical considerations should not control the right of American citizens to vote for their President and Vice President.

Since 1917 the people of Puerto Rico, under the same obligation as citizens of a State, have served in the Armed Forces of the United States with distinction.

Considering that effective participation in the political process of the government is an integral part of American citizenship, the President of the United States and the Governor of Puerto Rico have appointed a Joint Committee to study the Presidential vote for Puerto Rico.

In view of the above, the National Governors' Conference assembled in Lake of the Ozarks, Missouri, in recognition of the contributions made to our Nation by the U.S. citizens of Puerto Rico, recommends that should they request it, the people of Puerto Rico be granted the right to vote for President and Vice President of the United States.

A copy of this statement should be transmitted to the President of the United States, the Speaker of the House of Representatives, the President of the Senate, and the Chairman of the Ad Hoc Committee on the Presidential Vote for Puerto Rico.

EARTH WEEK

Whereas, there is an urgent need to promote a broader awareness and understanding of the environmental crisis facing each and every state in the United States; and

Whereas, there is a compelling need to encourage a continuing commitment by all interests including education, agriculture, business, labor, and civic and private organizations, to work to solve these fundamental environmental problems:

Now, therefore, be it resolved that we as Governors assist in focusing the Nation's attention on environmental problems and their solutions by declaring the third week in April "Earth Week" in our respective States and seek the broadest participation in its activities.

MERCURY CONTAMINATION STANDARDS

Mercury contamination of the Nation's streams poses danger to the health and well-being of our people and has brought forth expressions of protests and dismay from all parts of our Nation.

Approximately one-third of the States have streams which are involved with mercury contamination, thus indicating a need for corrective activity on the federal level.

The States directly involved with this grave problem have, by their respective separate actions, diligently pursued diverse courses of remedial and corrective measures, all well intentioned but lacking in uniformity so essential in interstate matters. Thus, due to the interstate nature of our streams, any corrective activity involving regulatory measures should emanate on the federal level and should afford a just and equal criteria for all of the States involved.

It is imperative that certain measurable minimum amounts of allowable mercury outflow should be established which would not constitute a health hazard to the people of America. The Federal Water Quality Administration is the appropriate agency to initiate corrective measures which would be effective and binding throughout the several States; therefore, the National Governor's Conference urges the Federal Water Quality Administration to immediately initiate action for the determination of minimum amount of mercury outflow which would not constitute a hazard to public health, and upon such determination promulgate regulations having equal application throughout the Nation sufficient to insure that such minimum mercury outflow is not exceeded and that such regulations contain appropriate enforcement provisions.

RED CROSS DISASTER RELIEF NEEDS

Whereas, the American Red Cross is the established agency for the provision of family relief in the event of disaster and catastrophe, providing assistance that is not duplicated by any public or private program; and

Whereas, the emergency relief funds of the American Red Cross have been seriously depleted by the provision of disaster relief to the victims of Hurricane Camille in Mississippi one year ago and to those who suffered in the great tornado that struck Lubbock, Texas, in May, 1970; and

Whereas, the people of Corpus Christi and of the Central Texas Gulf Coast were devastated by Hurricane Celia on Monday, August 4, 1970; and

Whereas, more than 65,000 families in this area suffered loss, 8,950 homes being destroyed, and 55,650 homes being damaged; and

Whereas, 30,000 of our fellow citizens have received emergency assistance from the American Red Cross in the form of food, clothing, temporary housing, and medical care; and

Whereas, the need is very great for additional funds to permit the American Red Cross to carry out its mission of mercy for the victims of Hurricane Celia with a minimum of $6 million being needed at once:

Now, therefore, be it resolved by the National Governors' Conference that all citizens of the United States are urged to assist the victims of Celia by making generous voluntary contributions through their local Red Cross chapters to sustain the disaster relief program thereby showing their sincere and genuine concern for their fellow men.

RESOLUTION OF APPRECIATION

The National Governors' Conference expresses its sincere gratitude to Governor and Mrs. Warren E. Hearnes, Mr. and Mrs. Gene Sally, and Mr. and Mrs. Frank J. Iuen, III, for their untiring efforts in making its 62nd Annual Meeting, August 9 to August 12, at Lake of the Ozarks, Missouri, an inspiring and memorable experience. To the very special guests, the Conference offers its heartfelt thanks for their excellent contribution and participation. To all those that took part in the thoughtful and beneficial program session, the Conference expresses deep gratitude. And to all others who helped plan and carry out the myriad array of activities, the Conference extends its appreciation and thanks for cooperation and friendly attitude exhibited by everyone involved in presenting the Annual Meeting.

The National Governors' Conference also expresses its appreciation to Governor John A. Love for his tremendous job and great leadership as Chairman.

We are grateful to Governor and Mrs. Hearnes and Governor and Mrs. Love for making this a productive and thoroughly enjoyable Conference.

We express appreciation to Charles Byrley and the staff of the National Governors' Conference and to Brevard Crihfield and his staff for the efficient and orderly manner in which this Conference has been handled.

The "Red Carpet" hospitality that was rolled out for the Governors, their families and staffs beautifully demonstrated that "Missouri *does* love company"—and we love Missouri hospitality and the Missourians who have made this Conference possible.

We further express our appreciation to the members of the news media for their extensive coverage of our deliberations and the courtesy they have shown to the Governors and their families. We appreciate their professional efforts to inform the public regarding the matters of serious concern which have been the subject of our discussions.

THE DISECONOMIES OF AIR POLLUTION

Mr. NELSON. Mr. President, the massive cloud of polluted air which hung over a large part of the east coast during the last week in July was an ominous harbinger of the type of environmental crisis which we can expect to experience with increasing frequency throughout the metropolitan regions of our country unless we are willing to make the national commitment to take the necessary steps to bring a halt to air pollution. In particular, this means a direct confrontation with the source of over 60 percent of the entire Nation's air pollution—the internal combustion engine.

The health of millions of Americans is presently being compromised by air pollution and auto emissions. These health costs are difficult to measure because human lives are involved, but Dr. Lester B. Lave and Eugene P. Seskin, of Carnegie-Mellon University of Pittsburgh, have made a dollar estimate of the quantitative effect of air pollution and human health in the lead article of the August 21 issue of Science. Also, the August 17 issue of U.S. News & World Report contains an exclusive study of that magazine's economic unit which documents in hard dollar terms the enormous pollution price tag which this country must pay each year in damage caused by air, water, and solid waste pollution.

I call the attention of the Congress to the diseconomies of air pollution and other attacks upon the environment and ask unanimous consent that the U.S. News & World Report article entitled "Pollution Price Tag: $71 Billion" and the Science article entitled "Air Pollution and Human Health" be printed in the RECORD.

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

[From U.S. News & World Report, August 17, 1970]

POLLUTION PRICE TAG: $71 BILLION

Controversy is boiling up anew over what to do about polluted air, water and land in the U.S.—and how much the cleanup job is going to cost.

Now an authoritative study puts a price tag on the task: 71 billion dollars of new spending in the next five years.

Of that total, about 54 billions is required to clean up waterways, 13 billions to combat dirty air and 4 billions to improve methods for disposing of solid wastes.

The study, just completed by the Economic Unit of "U.S. News & World Report," notes that even 71 billions may not be enough to do the job. And it makes this additional point: Ultimately, consumers everywhere are the ones who will foot the bill, whatever it turns out to be.

Spending to save. The outlays, large as they loom, will not be money down the drain, the study points out.

Cleansing the environment actually will save the country vast sums, in addition to enhancing the quality of day-to-day living.

Polluted air costs 13.5 billions a year in property damage from soiling, corrosion and abrasion of materials. Nobody knows how many more billions should be added for healthcare bills and the loss of farm crops.

Similarly, polluted water costs the nation 12 billion dollars a year. The five-year economic loss of 60 billion is more than the estimated tab for making waterways cleaner. And improving the disposal of solid wastes, authorities say, would contribute to better public health, save money on trash collection, incineration and dumping.

"A national obsession." Regardless of cost, it seems clear that Americans suddenly have decided it is time to tackle the environmental crisis head on.

In the words of one expert: "What for years was the concern of only a handful of scientists and conservationists suddenly has become a national obsession."

A raft of menacing developments has spurred demands for action. For example—

Major cities along the East Coast were smothered in choking smog in late July and early August.

Streams and lakes in seven States have been closed to commercial fishermen because of evidence of mercury poisoning of fish.

An oil spill, described as the worst in New England's history, smeared beaches on Cape Cod as the summer vacation season moved toward its peak.

Autos and trucks, the single biggest source of contaminated air, are coming in for heightened criticism. Fifteen States filed suit in the Supreme Court on August 5 seeking to force auto makers to produce pollution-free cars "at the earliest possible date."

If the fight against polluted air, water and solid waste is to be won, officials say, it must be waged simultaneously on all three fronts. Here, from the Economic Unit Study, is a detailed look at each aspect of the problem.

AIR POLLUTION

Just coming to light is the fact that cleaner air can save the U.S. economy about

11 billion dollars a year. That is because the expense of freshening the atmosphere is figured at 2.6 billion annually, compared with damage estimated at 13.5 billion a year.

Says John T. Middleton, Commissioner of the National Air Pollution Control Administration:

"Government and industry together are spending only millions annually to fight air pollution.

"When we consider the priceless benefits of clean air to our health, adequate control of pollution is a bargain."

Air pollution corrodes steel 200 to 400 per cent faster in urban, industrial areas than in the countryside. Cleopatra's needle, an ancient Egyptian obelisk, has been more deeply eroded since coming to New York City 89 years ago than it was in the 3,000 years it spent in Egypt.

Farm losses caused directly by air pollution are put at 500 million dollars annually, not to mention indirect costs that have never been reckoned. For example, growth of cattle has been stunted in areas where pollution is bad.

California farmers and ranchers suffer the most from dirty air. Their losses last year alone were put at 132 millions. Half of the citrus crop was lost.

Property values are depressed in residential areas where air is dirty. A new analysis by air-pollution-control authorities compares selling prices of homes in various neighborhoods in Washington, D.C., Kansas City, and St. Louis. Homes in areas of greatest air pollution generally bring $300 to $500 less than comparable dwellings in cleaner communities.

Widespread medical surveys confirm the health hazards of polluted air. A recent study by the Albert Einstein College of Medicine in New York shows that daily mortality rises in New York City when the level of air pollution goes up. Another report, on elementary-school children living in the most heavily polluted areas of London, shows a higher incidence of respiratory disease than for children in less-polluted areas of the same city.

What causes air pollution in this country? Sources of contamination include 103 million motor vehicles, as well as factories, power plants, municipal dumps and incinerators. Toxic pollutants from all these are released into the atmosphere at a rate of 214 million tons a year—more than a ton for every American.

The National Air Pollution Control Administration lists the five worst air contaminants this way:

Carbon monoxide: 100 million tons a year. This tasteless odorless lethal gas comes largely from autos, trucks and buses. Even in small doses it affects reflexes and judgment.

Particulates: 28 million tons. These are tiny bits of solid matter, some of which are dangerous irritants. They come mainly from smokestacks.

Sulfur oxide: 33 million tons. An irritating gas, it comes mostly from the burning of coal and oil. It affects the lungs and throat and aggravates respiratory ailments.

Hydrocarbons: 32 million tons. Half originates in discharges from trucks and autos. These chemicals are a key ingredient in smog. Some hydrocarbons are suspected as cancer-producing agents in cigarettes.

Nitrogen oxide: 21 million tons. Another smog ingredient, this gas pours out of motor-vehicle tailpipes and also comes from fuel burned at stationary sources.

Says a public-health official:

"Air pollution costs each American $65 a year. For those who live in the most highly polluted areas, the cost per person, including higher medical bills, household maintenance and other expenses, can be more than $200 yearly."

Autos spew some 91 million tons of toxic gases annually into the atmosphere. The fight against this source of contamination is gaining momentum as control standards become more stringent year by year. Proposed 1975 standards call for a cut of 97 per cent in hydrocarbons and 91 per cent in carbon monoxide below the levels in 1963, when cars had no pollution-control devices.

Motorists already are beginning to shoulder the expense of cleanup of the internal-combustion engine. Pollution-control devices to meet standards through 1974 will cost the driving public an additional $48 per unit, or a total of 2.6 billion dollars. Maintenance bills for these devices will total an additional 300 million over the same period.

By 1975, when stricter standards for auto emissions are expected to become effective, the cost per unit is estimated by industry sources at $200—a total of 2 billion dollars. Motorists will pick up another 1-billion-dollar tab in higher prices for nonleaded gasoline.

Apart from autos, the next-largest amount of air pollution comes from fuels—coal, oil, gas-burned in the nation's 60 million residential heating units, 100,000 commercial and institutional heating plants, 307,000 industrial boilers and 410 power plants producing steam and electricity. All told, these sources annually pour 46 million tons of pollutants into the air. Estimated cost of control over the next five years: 4 billion dollars.

Industrial plants put some 29 million tons of toxic pollutants into the air each year. Seventeen industries, ranging from iron and steel to cement and fertilizers, are classified as "major air polluters." For some businesses, cost of upgrading facilities to cut air contamination, will be substantial.

For example, in terms of cost per $100 of sales at the factory, pollution control will cost $1.94, on average, for iron and steel mills; $2.89 for iron foundries; $3.92 for nonferrous-metal plants; 1 cent for petroleum refineries; 21 cents for grain mills and 95 cents for cement plants. Over the long run, customers probably will pay in the form of higher prices. The total bill for five years: 1.3 billions.

WATER POLLUTION

Cleaning up waterways will be a monumental and expensive task, the Economic Unit study notes. Money alone will not be enough to accomplish it. More research is needed to uncover sources of pollutants in rivers, bays and lakes.

Laments one Government official:

"Few people thought thermal water pollution, resulting from discharge of heated water from power plants, would be a problem until five or 10 years from now. All of a sudden, the issue has become urgent because of an increase in present and projected nuclear power-plant construction."

Mercury pollution is another example of a new danger just coming to public attention. Only recently have abnormal concentrations of mercury been found in major waterways.

Problems of maintaining water quality are complex. More than 500 new chemicals are developed each year. Many enter and contaminate both surface and ground water. Warns Dr. Harold Wolf of the U.S. Bureau of Water Hygiene: "For most of these new chemicals, we simply do not know what the health effects will be."

The two chief sources of water pollution are municipal sewers and industrial plants. Together they pour more than 45 trillion gallons of waste each year into U.S. waterways.

Consider the problem of inadequate sanitary sewers: about 68 per cent of the population lives in communities with sewers, but almost half the plants serving those places already are overloaded. Some 1,000 communities a year are outgrowing their treatment systems. Seven per cent of all U.S. communities provide no sewage treatment at all.

Raw municipal wastes increase the concentration of bacteria in water, decrease oxygen—this kills fish and creates odors—and promote growth of algae. Fighting the municipal-waste problem will be a continuing struggle, since loads are expected to increase by 400 per cent in the next 50 years.

Industry discharges a huge volume of toxic substances into rivers and streams. More than half comes from four major industries—papermaking, petroleum refining, organic-chemical manufacturing, and iron and steelmaking.

Sediments—washed from croplands, overgrazed pastures, highway construction and bulldozed urban developments—are the most extensive pollutants of surface waters. Cost of controlling such erosion is figured at about $1,000 per mile of new highway, and anywhere from $100 to $1,000 for a single-family home site. All told, erosion control will cost 6.8 billion dollars in the next five years.

Other major water-pollution threats include oil spills, mine drainage, runoff of fertilizers and pesticides from farms, and rubbish and sewage from ships.

SOLID WASTE

Fifty years ago, the typical American generated a bit less than 3 pounds of trash per day. The figure now is about 6 pounds, and by 1980 will rise to an estimated 8 pounds. All told, the country accounts for 3.5 billion tons of rubbish annually. Demand for throwaway containers and other hard-to-destroy convenience products is accelerating the trend.

Richard D. Vaughan, director of the Bureau of Solid Waste Management, comments: "Current disposal practices are unsatisfactory, and upgrading the present system alone will not provide a long-range solution."

The Bureau estimates that a minimum of 4.2 billion dollars in new money is needed between now and 1975 to modernize trash-collection systems, eliminate open dumps and improve incinerator capacity.

At present, solid-waste disposal follows this pattern: 46 per cent is handled by open burning, 16 per cent by incineration and 38 per cent by landfill or dumping in the sea.

These disposal methods have two major drawbacks. They contribute more than 11 million tons of pollutants to the air each year, and most of the practices are unsanitary.

Cost of cleaning up air pollution from solid-waste disposal is estimated at 325 million dollars in the five-year period covered by the Economic Unit study—or 39 cents per ton of refuse. That is relatively small in relation to the cost of the air and water-cleanup bills. It is likely to be reduced even further, because industry is finding profitable ways to reuse many products formerly discarded. Programs are under way to reclaim aluminum from cans, to salvage "one way" glass bottles, to make fertilizer from garbage and trash.

The Nixon Administration is committed to provide leadership and "seed money" to help cope with the environmental crisis. One official notes, however, that the Government is limited in how far it can go. Says this authority:

"Industries that are releasing waste products into the air or water cannot escape the responsibility for cleaning up their own pollutants. State and local governments, too, must do their share, because most programs for curbing pollution are outside the jurisdiction of federal agencies."

All in all, the effort to provide a better environment is shaping up as a job of mammoth proportions. Latest developments point to costly programs involving individuals, business and Government alike.

[From Science magazine, Aug. 21, 1970]

AIR POLLUTION AND HUMAN HEALTH

(Lester B. Lave and Eugene P. Seskin)

(NOTE.—The quantitative effect, with an estimate of the dollar benefit of pollution abatement, is considered.)

Air pollution is a problem of growing importance; public interest seems to have risen faster than the level of pollution in recent years. Presidential messages and news stories have reflected the opinion of scientists and civic leaders that pollution must be abated. This concern has manifested itself in tightened local ordinances (and, more importantly, in increased enforcement of existing ordinances), in federal legislation, and in extensive research to find ways of controlling the emission of pollutants from automobiles and smokestacks. Pollutants are natural constituents of the air. Even without man and his technology, plants, animals, and natural activity would cause some pollution. For example, animals vent carbon dioxide, volcanic action produces sulfur oxides, and wind movement insures that there will be suspended particulates; there is no possibility of removing all pollution from the air. Instead, the problem is one of balancing the need of polluters to vent residuals against the damage suffered by society as a result of the increased pollution.[1] To find an optimum level, we must know the marginal costs and marginal benefits associated with abatement. This article is focused on measuring one aspect of the benefit of pollution abatement.

Polluted air affects the health of human beings and of all animals and plants.[2] It soils and deteriorates property, impairs various production processes (for example, the widespread use of "clean rooms" is an attempt to reduce contamination from the air), raises the rate of automobile and airline accidents[3] and generally makes living things less comfortable and less happy. Some of these effects are quite definite and measurable, but most are ill-defined and difficult to measure, even conceptually. Thus, scientists still disagree on the quantitative effect of pollution on animals, plants, and materials. Some estimates of the cost of the soiling and deterioration of property have been made, but the estimates are only a step beyond guesses.[4] We conjecture that the major benefit of pollution abatement will be found in a general increase in human happiness or improvement in the "quality of life," rather than in one of the specific, more easily measurable categories. Nonetheless, the "hard" costs are real and at least theoretically measurable.

In this article we report an investigation of the effect of air pollution on human health; we characterize the problem of isolating health effects; we derive quantitative estimates of the effect of air pollution on various diseases and point out reasons for viewing some earlier estimates with caution; we discuss the economic costs of ill health; and we estimate the costs of effects attributed to air pollution.

THE EFFECT OF AIR POLLUTION ON HUMAN HEALTH

In no area of the world is the mean annual level of air pollution high enough to cause continuous acute health problems. Emitted pollutants are diluted in the atmosphere and swept away by winds, except during an inversion; then, for a period that varies from a few hours to a week or more, pollutants are trapped and the dilution process is impeded. When an inversion persists for a week or more, pollution increases substantially, and there is an accompanying increase in the death rate.

Much time has been spent in investigating short-term episodes of air pollution.[5] We are more concerned with the long-term effects of growing up in, and living in, a polluted atmosphere. Few scientists would be surprised to find that air pollution is associated with respiratory diseases of many sorts, including lung cancer and emphysema. A number of studies have established a qualitative link between air pollution and ill health.

A qualitative link, however, is of little use. To estimate the benefit of pollution abatement, we must know how the incidence of a disease varies with the level of pollution. The number of studies that allow one to infer a quantitative association is much smaller.

Quantifying the relation. Our objective is to determine the amount of morbidity and mortality for specific diseases that can be ascribed to air pollution. The state of one's health depends on factors (both present and past) such as inherited characteristics (that cause a predisposition to certain diseases), personal habits such as smoking and exercise, general physical condition, diet (including the amount of pollutants ingested with food), living conditions, urban and occupational air pollution, and water pollution.[6,7] Health is a complex matter, and it is exceedingly difficult to sort out the contributions of the various factors. In trying to determine the contribution of any single factor one must be careful neither to include spurious effects nor to conclude on the basis of a single insignificant correlation that there is no association. Laboratory experimentation is of little help in the sorting process.[8]

The model implicit in the studies we have examined is a simple linear equation wherein the mortality or morbidity rate is a linear function of the measured level of pollution and, possibly, of an additional socioeconomic variable. In only a few cases do the investigators go beyond calculating a simple or partial correlation.

A number of criticisms can be leveled at this simple model. No account is taken of possibly important factors such as occupational exposure to air pollution and personal habits. These and other factors influencing health must be uncorrelated with the level of pollution, if the estimated effect of pollution is to be an unbiased estimate. In addition, the linear form of the function is not very plausible, except insofar as one considers it a linear approximation over a small range.

Both because of the rather crude nature of the studies and because of the statistical estimation, there is a range of uncertainty concerning the quantitative effect of pollution on human health. This range is reflected in the estimate of the benefit of pollution abatement, discussed below.

Epidemiological studies. Epidemiological data are the kind of health data best adapted to the estimation of air pollution effects. These data are in the form of mortality (or morbidity) rates for a particular group, generally defined geographically.[9] For example, an analyst may try to account for variations in the mortality rate among the various census tracts in a city. While these vital statistics are tabulated by the government and so are easily available, there are problems with the accuracy of the classification of the cause of death (since few diagnoses are verified by autopsy and not all physicians take equal care in finding the cause of death). Other problems stem from unmeasured variables such as smoking habits, occupations, occupational exposure to air pollution, and genetic health factors. Whenever a variable is unmeasured, the analyst is implicitly assuming either that it is constant across groups or else that it varies randomly with respect to the level of air pollution. Since there are many unmeasured variables, one should not be surprised to discover that some studies fail to find a significant relationship or that others find a spurious one. For the same reason, one should not expect the quantitative effect to be identical across various groups, even when the relationship in each group is statistically significant.

Sample surveys are a means of gathering a more complete set of data. For example, a retrospective analysis might begin with a sample of people who died from a particular disease. Through questionnaires and interviews, the smoking habits and residence patterns of the deceased can be established. The analysis would then consist of an attempt to find the factors implicated in the death of these individuals. Two types of problems arising from such a study are the proper measurement of variables such as exposure to air pollution (there are many pollutants and many patterns of lifetime exposure) and the possible contributions of variables which still are unobserved, such as occupational hazards, socioeconomic characteristics, and personal habits.

Whatever the source of data, the investigators must rest their cases by concluding that the associations which they find are so strong that it is extremely unlikely that omitted variables could have given rise to the observed correlations; they cannot account for all possible variables.

Episodic relationships. Another method of investigating the effects of pollution involves an attempt to relate daily or weekly mortality (or morbidity) rates to indices of air pollution during the interval in question.[10] The conclusions of these studies are of limited interest, for two reasons. First, someone who is killed by an increase in air pollution is likely to be gravely ill. Air pollution is a rather subtle irritant, and it is unlikely that a healthy 25-year-old will succumb to a rise in pollution levels. Our interest should be focused on the initial cause of illness rather than on the factor that is the immediate determinant of death. Thus, morbidity data are more useful than mortality data. Second (and more important for the morbidity studies), there are many factors that affect the daily morbidity rate or daily rate of employee absences. Absence rates tend to be high on Mondays and Fridays for reasons that have nothing to do with air pollution or illness. One would expect little change in these absence rates if air pollution were reduced. Other factors, such as absence around holidays, give rise to suprious variations; this can be handled by ignoring the periods in question or by gathering enough data so that this spurious variation is averaged away. Some of these factors (such as high absence rates on Fridays and seasonal absence rates) may be correlated with variations in air pollution and no amount of data or of averaging will separate the effects. We have chosen to disregard the results of these episodic studies, with a few exceptions, cited below.

It is difficult to isolate the pollutants that have the most important effects on health on the basis of the studies we survey here. Measurement techniques have been crude, and there has been a tendency to base concentration figures on a single measurement for a large area. A more important problem is the fact that in most of these studies only a single pollutant was reported. Discovering which pollutants are most harmful is an important area, where further exploration is necessary. We have tried, nevertheless, to differentiate among pollutants in the survey that follows.[11] The problem is complicated, since pollution has increased over time, and since lifetime exposure might bear little relation to currently measured levels. These problems are discussed elsewhere.[12]

A REVIEW OF THE LITERATURE

We will proceed with a detailed review of studies made in an attempt to find an association between mortality or morbidity and air pollution indices.

Air pollution and bronchitis. Studies link morbidity and mortality from bronchitis to air pollution in England[13], the United States[14, 15], Japan[16], and other countries.[17] Mortality rates by country boroughs in England and Wales have been correlated with pollution (as measured by the sulfation rate, total concentration of solids in the air, a

Footnotes at end of article.

deposit index, and the density of suspended particulates) and with socioeconomic variables (such as population density and social class). The smoking habits of the individuals studied have also been investigated. The conclusion of these studies is that air pollution accounts for a doubling of the bronchitis mortality rate for urban, as compared to rural, areas.

We took data reported by Stocks [18, 19], and by Ashley [20] and performed a multiple regression analysis, as shown in Table 1. We fit the following equation to the data

$$MR_i = +a_1P_i + a_2S_i + e_i \quad (1)$$

where MR_i is the mortality rate for a particular disease in country borough i, P_i is a measure of air pollution in that borough, S_i is a measure of socioeconomic status in borough i, and e_i is an error term with a mean of zero. (We also fit other functional forms, as discussed below.) Under general assumptions, the estimated coefficients (a_0, a_1, a_2) will be best linear, unbiased estimates,[21]. Only if we want to perform significance tests must we make an assumption about the distribution of the error term (for example, the assumption that it is distributed normally).

The first regression in Table 1 relates the bronchitis mortality rate for men to a deposit index (see Table 1, footnote †), and the population density in each of 53 country boroughs. Thirty-nine percent of the variation in the mortality rate (across boroughs) is "explained" by the regression. It is estimated that a unit increase in the deposit index (1 gram per 100 square meters per month) leads to an increase of 0.18 percent in the bronchitis mortality rate (with population per acre held constant). An increase of 0.1 person per acre in the population density is estimated to lead to an increase of 0.02 person per acre in the population density is estimated to lead to an increase of 0.02 percent in the mortality rate (with air pollution held constant). As indicated in Table 1 by the t statistics (the values in parentheses below the estimated coefficients), the air pollution variable is extremely important, whereas the socioeconomic variable contributes nothing to the explanatory power of the regression.

The first ten regressions in Table 1 are an attempt to explain the bronchitis death rate. Four different data sets are used, along with three measures of pollution and two socioeconomic variables. The coefficient of determination, R^2 (the proportion of the variation in the mortality rate explained by the regression), ranges from .3 to .8. Air pollution is a significant explanatory variable in all cases. In only three cases is the socioeconomic variable significant.

TABLE 1.—MULTIPLE REGRESSIONS BASED ON DATA FROM ENGLAND

Category	R^2*	Index†	
		Air pollution	Socioeconomic
Bronchitis mortality rate:			
1. Males, 53 county boroughs‡ (deposit index, persons/acre)	0.386	0.182	0.016
t statistic		4.80	.22
2. Females	.332	.182	−.031
t statistic		4.55	−.42
3. Males, 28 county boroughs§ (smoke, persons/acre)	.433	1.891	.180
t statistic		3.79	1.86
4. Females	.412	1.756	.252
t statistic		3.23	2.40
5. Males, 26 areas (smoke, persons/acre)	.766	.310	.062
t statistic		3.77	.53
6. Females	.559	.303	−.038
t statistic		2.85	−.25
7. Males, 26 areas (smoke, social class)	.783	.301	.176
t statistic		5.86	1.44
8. Females	.601	.213	.248
t statistic		3.31	1.59
9. Both sexes, 53 urban areas§ (smoke, persons/acre)	.377	.199	.159
t statistic		4.07	3.02
10. Both sexes, 53 urban areas (SO_2, persons/acre)	.300	.161	.151
t statistic		3.05	2.64
Lung cancer mortality rate:			
11. 53 county boroughs (deposit index, persons/acre)	.445	.041	.154
t statistic		2.09	4.23
12. 28 county boroughs (smoke, persons/acre)	.576	.864	.161
t statistic		4.08	3.89
13. Male, 26 areas (smoke, persons/acre)	.781	.137	.115
t statistic		2.86	1.70
14. Male, 26 areas (smoke, social class)	.805	.161	.172
t statistic		5.62	2.47
15. 53 Urban areas (smoke, persons/acre)	.344	−.086	.184
t statistic		−2.42	4.83
16. 53 Urban areas (SO_2 persons/acre)	.378	−.105	.197
t statistic		−3.00	5.23
Other cancers:			
17. Stomach, male, 53 county boroughs (deposit index, persons/acre)	0.167	0.070	0.005
t statistic		3.08	.12
18. Stomach, female	.175	.070	−.023
t statistic		3.08	−.56
19. Stomach, male, 28 county boroughs (smoke, persons/acre)	.257	.714	.065
t statistic		2.57	1.21
20. Stomach, female	.454	.883	.066
t statistic		4.13	1.60
21. Intestinal, 53 county boroughs (deposit index, persons/acre)	.041	.018	−.012
t statistic		1.45	−.52
22. Intestinal, 28 county boroughs (smoke, persons/acre)	.129	.174	.036
t statistic		1.26	1.35
23. Other cancer, male 26 areas (smoke, persons/acre)	.454	.019	.073
t statistic		.59	1.60
24. Other cancer, female, 26 areas (smoke, persons/acre)	.044	.039	−.062
t statistic		.93	−1.03
25. Other cancer, male, 26 areas (smoke, social class)	.396	.060	.017
t statistic		2.75	.33
26. Other cancer, female, 26 areas (smoke, social class)	.002	.005	−.013
t statistic		.17	−.19
Pneumonia mortality rate:			
27. Male, 26 areas (smoke, persons/acre)	.477	.118	.121
t statistic		1.34	.97
28. Female	.253	.068	.137
t statistic		.58	.83
29. Male, 26 areas (smoke, social class)	.475	.158	.126
t statistic		2.82	.93
30. Female	.242	.124	.106
t statistic		1.65	.58

*The coefficient of determination: a value of 0.386 indicates a multiple correlation coefficient of 0.62, and indicates that 39 percent of the variation in the death rate is "explained" by the regression.

†The t statistic: for a 1-tailed t-test with 23 degrees of freedom, a value of 1.71 indicates significance at the 0.05 level; for 25 or 50 degrees of freedom, the critical values are 1.71 and 1.68.

‡Data for 53 county boroughs in England and Wales as reported by Stocks (18). Air pollution is measured by a deposit index (in grams per 100 square meters per month) whose observed range is 96 to 731, with a mean of 375. The socioeconomic index is expressed in number of persons per acre (multiplied by 10); the range is 69 to 364, and the mean is 163. Death rates are measured as index numbers, with the mean for all boroughs in England and Wales equal to 100. Ranges within this sample are as follows: bronchitis (males), 73 to 259; bronchitis (females), 72 to 268; lung cancer, 70 to 159; stomach cancer (males), 67 to 168; stomach cancer (females), 84 to 161; intestinal cancer, 87 to 123.

§Data for 28 county boroughs in England and Wales as reported by Stocks (18). Air pollution is measured by a smoke index (suspended matter, in milligrams per 100 cubic meters); the range is 6 to 49. Again, the socioeconomic index is expressed in numbers of persons per acre (×10); the range is 83 to 342.

‖Data for 26 areas in northern England and Wales as reported in Stocks (19). Air pollution is measured by a smoke index, as for category 3; the range is 15 to 562 mg, 1000 m³ and the mean is 260. 1 socioeconomic variable is the number of persons per acre (×10); the range is 1 to 342 and the mean is 102. The other socioeconomic variable is social class; the range is 61 to 295. Death rates are measured as for category 1; within this sample, the range for lung cancer is 23 to 165; for other cancer, 6 to 122 (males) and 88 to 154 (females); for bronchitis, 18 to 259 (males) and 12 to 240 (females); for pneumonia, 61 to 227 (males) and 40 to 245 (females).

¶Data for 53 areas as reported by Ashley (20). Air pollution is measured (i) by a smoke index (as for category 3), with a range of 23 to 261 μg/m³ and a mean of 124, or (ii) by an SO_2 index (apparently in the same units), with a range of 33 to 277 and a mean of 124. Death rates are measured as for category 1; within this sample, the range for lung cancer is 70 to 146, and for bronchitis, 64 to 186.

The implication of the first regression is that a 10 percent decrease in the deposit rate (38 g 100 m^{-2} $month^{-1}$) would lead to a 7 percent decrease in the bronchitis death rate. Another way of illustrating the effect of air pollution on health is to note that, if all the boroughs were to improve the quality of their air to that enjoyed by the borough having the best air of all those in sample (a standard deposit rate for all boroughs of 96 g 100 m^{-2} $month^{-1}$), the average mortality rate (for this sample) would fall from 129 to 77. Thus, cleaning the air to the level of cleanliness enjoyed by the area with the best air would mean a 40 percent drop in the bronchitis death rate among males in the fifth regression. The pollution index is a smoke index (Table 1, footnote §), and a different set of areas is considered. This is a more successful regression in terms of the percentage of variation explained. As before, the air pollution coefficient is extremely significant, and the implication is that cleaning the air to the level of cleanliness currently enjoyed by the area with the best air (15 mg/100 m^3) would lower the average bronchitis mortality rate from 106 to 30, a drop of 70 percent. Results of the other regression analyses based on bronchitis mortality data have similar implications. Note that the effect is almost the same for males and females. This indicates reliability and suggests that the effect is independent of occupational exposure.

Winkelstein *et al.*[14] collected data on 21 areas in and around Buffalo, New York. A cross tabulation of census tracts by income level and pollution level shows that the mortality rate for asthma, bronchitis, and emphysema (in white males 50 to 69 years old) increases by more than 100 percent as pollution rises from level 1 to level 4 (see [22]).

These studies indicate a strong relationship between bronchitis mortality and a number of indices of air pollution. We conclude that bronchitis mortality could be reduced by from 25 to 50 percent depending on the particular location and deposit index, by reducing pollution to the lowest level currently prevailing in these regions. For example, if the air in all of Buffalo were made as clean as the air in those parts of the area that have the best air, a reduction of approximately 50 percent in bronchitis mortality would probably result.

Air pollution and lung cancer. The rate of death from lung cancer has been correlated

Footnotes at end of article.

with several indices of pollution and socioeconomic variables in studies that provided controls for smoking habits and other factors. For English nonsmokers, Stocks and Campbell [23,24] found a tenfold difference between the death rates for rural and urban areas. Daly [25], in comparing death rates in urban and rural areas of England and Wales, found the urban rate twice as high. Evidence for other parts of Europe also shows an association between lung cancer and air pollution.[26]

Regressions 11 through 16 (Table 1) show our reworking of the data for lung cancer mortality for England and Wales (there is no control for smoking). Regressions 11 through 14 imply that, if the quality of air of all boroughs were improved to that of the borough with the best air, the rate of death from lung cancer would fall by between 11 and 44 percent. Regressions 15 and 16 show a relationship between air pollution and lung cancer which is either insignificant or inverse. The only contrary results come from Ashley's data. In the absence of more complete evidence, we must remain curious about these results. Use of such small samples and inadequate controls is certain to lead to some contrary results, but they are disconcerting when they appear.

In a study of 187,783 white American males (50 to 69 years old), Hammond and Horn [27] reported that the age-standardized rate of death due to lung cancer was 34 (per 100,000) in rural areas as compared to 56 in cities of population over 50,000. When standardized with respect both to smoking habits to age, the rate was 39 in rural areas and 52 in cities of over 50,000.

Haenszel *et al.*[28] analyzed 2191 lung cancer deaths among white American males, that had occurred in 46 states, and data for a control group consisting of males who died from other causes. They found the crude rate of death from lung cancer to have been 1.56 times as high in the urban areas of their study as in the rural areas in 1958 and 1.82 times as high in the period 1948–49 (in subjects 35 years and older, with adjustments made for age). When adjustments are made for both age and smoking history, the ratio is 1.43. Also the ratio increased with duration of residence in the urban or rural area, from 1.08 for residence of less than 1 year to 2.00 for lifetime residence. Haenszel and Taeuber [29] report similar results for white American females. In a number of additional studies the association between air pollution and lung cancer is examined.[30]

Buell and Dunn [31] review the evidence on lung cancer and air pollution; a summary of their findings is given in Table 2. For smokers, death rates (adjusted for age and smoking) ranged from 25 to 123 percent higher in urban areas than in rural areas. For nonsmokers, all differences exceeded 120 percent. "The etiological roles for lung cancer of urban living and cigarette smoking seem each to be complete," they say, "in that the urban factor is evident when viewing nonsmokers exclusively, and the smoking factor is evident when viewing rural dwellers exclusively." They argue that differences in the quality of diagnosis could not account for the observed differences for urban and rural areas.

Nonrespiratory-tract cancers and air pollution. Our reworking of data from England on rates of death from nonrespiratory-tract cancer is presented in Table 1 (regressions 17 through 26). In the regressions, stomach cancer is significantly related to a deposit index and a smoke index. The effects are nearly identical for males and females. Intestinal cancer appears to be only marginally related to indices of either deposit or smoke. For 26 areas in northern England and Wales, there appears to be little relationship between nonrespiratory-tract cancers and a smoke index. The single exception in the four regressions occurs for males when the socioeconomic variable is social class; here the smoke index explains a significant amount of the variation in the cancer mortality rate. (Apparently population density and smoke index are so highly related in these 26 areas that neither has significant power to explain such variation.)

Winkelstein and Kantor [32] investigated rates of mortality from stomach cancer in Buffalo, New York, and the immediate environs. Their measure of pollution is an index of suspended particulates averaged over a 2-year period. They found the rate of mortality due to stomach cancer to be more than twice as great in areas of high pollution as in areas of low pollution.[33]

Hagstrom *et al.*[34] tabulated rates of death from cancer among middle class residents of Nashville, Tennessee, between 1949 and 1960, using four measures of air pollution. They found the cancer mortality rate to be 25 percent higher in polluted areas than in areas of relatively clear air.[35] They also found significant mortality-rate increases associated with individual categories of cancer, such as stomach cancer, cancer of the esophagus, and cancer of the bladder. The individual mortality rates are more closely related to air pollution after the data are broken down by sex and race.

Levin *et al.*[36] report, for all types of cancer, these relationships: The age-adjusted cancer-incidence rates for urban males was 24 percent higher than that for rural males in New York State (exclusive of New York City) (1949–51), 36 percent higher in Connecticut (1947–51), and 40 percent higher in Iowa (1950); the incidence rate for urban females was 14 percent higher than that for rural females in New York State, 28 percent higher in Connecticut, and 34 percent higher in Iowa. For both males and females, the incidence rate for each of 16 categories of cancer was higher in urban that in rural areas.

Cardiovascular disease and air pollution. Enterline *et al.*[37] found that mortality from heart disease is higher in central-city counties than in suburban counties, and, in turn, higher in suburban counties than nonmetropolitan counties. Zeidberg *et al.*[38] found that both morbidity and mortality rates for heart disease are associated with air pollution levels in Nashville. The morbidity rate was about twice as high in areas of polluted air as in areas of clean air. The mortality rate was less closely associated; it was 10 to 20 percent higher in areas of polluted air than in areas of clean air.[39]

Friedman [40] correlated the rate of mortality from coronary heart disease in white males aged 45 to 64 with the proportion of this group living in urban areas. The simple correlation for 33 states is .79. When cigarette consumption is held constant, the partial correlation is .67.

On the basis of these studies we conclude that a substantial abatement of air pollution would lead to 10 to 15 percent reduction in the mortality and morbidity rates for heart disease. We caution the reader that the evidence relating cardiovascular disease to air pollution is less comprehensive than that linking bronchitis and lung cancer to air pollution.

Total respiratory disease.[41] Daly [25] found significant correlations between air polution and death rates for all respiratory diseases (and for nonrespiratory diseases as well) in England. Douglas and Waller [42] found significant relationships between air pollution and respiratory disease in 3866 British school children. Fairbairn and Reid [43] found significant correlations between air pollution and morbidity rates (for bronchitis, pneumonia, pulmonary tuberculosis, and lung cancer) in England. Regressions 27 through 30 in Table 1 show pneumonia mortality to be related only marginally to a smoke index.

TABLE 2.—A-SUMMARY OF LUNG CANCER MORTALITY STUDIES. NUMBER OF DEATHS FROM LUNG CANCER PER 100,000 POPULATION [FROM BUELL AND DUNN (31)]

Study	Standardized for age and smoking			Nonsmokers		
	Urban	Rural	Urban/rural	Urban	Rural	Urban/rural
Buell, Dunn, and Breslow (67) [1]	101	80	1.26	36	11	3.27
Hammond and Horn (68) [2]	52	39	1.33	15	0	8
Stocks (69) [3]	189	85	2.23	50	22	2.27
Dean (70) [4]				38	10	3.80
Golledge and Wicken (71) [5]	149	69	2.15	23	29	.79
Haenszel et al. (72) [6]	100	50	2.00	16	5	3.20

[1] California men; death rates by counties.
[2] American men.
[3] England and Wales.
[4] Northern Ireland.
[5] England; no adjustment for smoking.
[6] American men.

Zeidberg *et al.*[44] questioned 9313 Nashville residents about recent illnesses. Among males aged 55 and older from white middle-class families, the numbers of illnesses per respondent during the past year were 1.92, 1.15, and 1.26 for areas of high, moderate, and low pollution, respectively. There are a number of other comparisons, based on other measures of air pollution and on data for females and nonwhites (some of these are given in [45]). However, we should add a word of caution: although the sample size in this study was large and controls for many socioeconomic variables were included, many important factors were ignored—for example, smoking habits and length of residence. Nonetheless, the finding is extremely strong and seems unlikely to be an artifact of unmeasured variables.

Hammond [46] studied over 50,000 men to find the relationships between emphysema, age, occupational exposure to pollution, urban exposures, and smoking. His results indicated that the effect of air pollution is significant and that heavy smokers have a much higher morbidity rate in cities than in rural areas; the effect becomes more marked as age increases.

Ishikawa, *et al,*[47] estimated the incidence of emphysema in Winnipeg (Canada) and St. Louis. They examined the lungs of 300 corpses in each city (the samples were comparable). Findings for each age group (over 25 years old) indicated that the incidence and severity of emphysema is higher in St. Louis, the city with the more polluted air. (In the 45-year-old group 5 percent of those in Winnipeg and 46 percent of those in St. Louis showed evidence of emphysema.)

A number of studies have been made in England on homogeneous occupational groups, such as postmen. The results are relatively pure in that all members of the sample have comparable incomes, working conditions, and social status. Holland and Reid [48] found that the rates of occurence of severe respiratory symptoms were 25 to 50 percent higher for London postmen than for small-town postmen (sample size, 770), Reid [49] found that, in the postmen of his

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study, absences due to bronchitis rose from an index number of 100 for the area of least air pollution, to 120 for an area of moderate pollution, to 250 and 283 for the areas of highest pollution. Corresponding figures for absences due to other respiratory illness were 100, 100, 150, and 151, respectively, and for absences due to infections and parasitic diseases, 100, 115, 130, and 140. Cornwall and Raffle [50] made a similar study of bus drivers in London. They found that 20 to 35 percent of absences due to sickness of any kind could be ascribed to air pollution (they used a fog index as a measure of pollution). Fairbairn and Reid [43] tabulated absences due to sickness for postmen, for males working indoors, and for females working indoors. They found that the age-standardized morbidity rate for bronchitis and pneumonia in the postmen of their study rose from 40 man-years, per 1000 man-years, for the area of lowest air pollution (of the four acres studied) to 122 for the area of highest air pollution. Corresponding figures for morbidity from colds were 75 and 171 man-years, and for morbidity from influenza, 131 and 184 man-years. For males working indoors, the low and high morbidity rates were as follows: bronchitis and pneumonia, 32 and 39; colds, 53 and 64; influenza, 88 and 102.

Dohan [51] studied absences (of more than 7 days) of female employees in eight Radio Corporation of America plants. He found a correlation of .96 between atmospheric concentrations of SO_2 and absences due to respiratory disease in the five cities for which complete data were available. During Asian flu epidemics there was a 200 percent increase in illness in cities with polluted air and only a 20 percent increase in those with relatively unpolluted air.

Infant mortality and total mortality rates. Sprague and Hagstrom [52] compared air-pollution data for Nashville with fetal and infant mortality rates for Nashville as given in census tracts (for 1955 through 1960). Controls for socioeconomic factors were not included. For infant death rates (ages 28 days to 11 months), the highest correlation was with atmospheric concentrations of SO_2 (in milligrams per 100 square centimeters per day) and was .70. For the neonatal death rates (ages 1 day to 27 days), the highest correlation was with dustfall and was .49. For infants dying during their first day whose death certificate includes mention of immaturity, the highest correlation was with dustfall and was .45. The correlation of the fetal death rate with dustfall was .58.

In a study just being completed [53], we have collected data for 114 Standard Metropolitan Statistical Areas in the United States and have attempted to relate total death rates and infant mortality rates to air pollution and other factors. Socioeconomic data, death rates, and air-pollution data were taken from U.S. government publications [54]. Regression 1 (Table 3) shows how the total death rate in 1960 varies with air pollution levels and with socioeconomic factors. As the (biweekly) minimum level of suspended particulates increases, the death rate rises significantly. Moreover, the death rate increases with (i) the density of population of the area, (ii) the proportion of nonwhites, (iii) the proportion of people over age 65, and (iv) the proportion of poor families. Eighty percent of the variation in the death rate across these 114 statistical areas is explained by the regression.

TABLE 3.—REGRESSIONS RELATING INFANT AND TOTAL MORTALITY RATES FOR 114 STANDARD METROPOLITAN STATISTICAL AREAS IN THE UNITED STATES TO AIR POLLUTION AND OTHER FACTORS. FOR MEANS AND STANDARD DEVIATIONS (S.D.) OF THE VARIABLES. SEE †

Category	R^2‡	Air pollution (minimum concentrations)	Socioeconomic: P/m²§	Socioeconomic: Nonwhite (percent)	Socioeconomic: Over 65 (percent)	Socioeconomic: Poor (percent)
TOTAL DEATH RATE						
1. Particulates	0.804	0.102	0.001	0.032	0.682	0.013
t statistic*		2.83	2.58	3.41	18.37	.93
2. Sulfates	.813	.085	.001	.033	.652	.006
t statistic*		3.73	1.86	3.56	17.60	.49
DEATH RATE FOR INFANTS OF LESS THAN 1 YEAR						
3. Particulates	.545	.393	----------	.190	----------	.150
t statistic*		3.07	----------	6.63	----------	3.28
4. Sulfates	.522	.150	----------	.200	----------	.123
t statistic*		1.91	----------	6.83	----------	2.70
DEATH RATE FOR INFANTS LESS THAN 28 DAYS OLD						
5. Particulates	0.260	0.273	----------	0.089	----------	0.063
t statistic*		2.48	----------	3.61	----------	1.60
6. Sulfates	.263	.170	----------	.097	----------	.047
t statistic*		2.57	----------	3.96	----------	1.23
FETAL DEATH RATE						
7. Particulates	.434	.274	.004	.171	----------	.106
t statistic*		2.02	2.01	5.70	----------	2.11
8. Sulfates	.434	.171	.004	.181	----------	.085
t statistic*		1.95	1.82	5.87	----------	1.71

*The t statistic: for a 1-tailed t-test, a value of 1.65 indicates significance at the 0.05 level.

†Total death rate per 10,000: mean, 91.5; S.D., 15.2. Infant death rate (age, <1 year) per 10,000 live births: mean, 255.1; S.D., 36.1 Infant death rate (age, <28 days) per 10,000 live births: mean, 188.0; S.D., 24.4. Fetal death rate per 10,000 live births; mean, 153.9; S.D., 34.4. Suspended particulates ($\mu g/m^3$), minimum reading for a biweekly period: mean, 45.2; S.D., 18.7. Total sulfates ($\mu g/m^3$) (× 10), minimum reading for a biweekly period: mean, 46.9; S.D., 30.6. Persons per square mile: mean, 763.4; S.D., 1,387.9. Percentage of nonwhites in population (× 10): mean, 125.2; S.D., 102.8. Percentage of population over 65 (× 10): mean, 84.2; S.D., 21.2. Percentage of families with incomes under $3,000 (× 10): mean, 181.6; S.D., 65.7.

‡The coefficient of determination: a value of 0.804 indicates a multiple correlation coefficient of 0.90, and indicates that 80 percent of the variation in the death rate is "explained" by the regression.

§ Persons per square mile.

Regression 3 shows how the 1960 infant death rate (age, less than 1 year) varies. A smaller proportion (55 percent) of the variation in the death rate is explained by the regression, although the minimum air-pollution level, the percentage of nonwhites, and the proportion of poor families continue to be significant explanatory variables. Regression 5 is an attempt to explain variation in the neonatal death rate. The results are quite similar to those of regression 3. The fetal death rate is examined in regression 7. Here the minimum air-pollution level, population density, the percentage of nonwhites, and the percentage of poor families are all significant explanatory variables.

Regressions 2, 4, 6, and 8 are an atttempt to relate these death rates to the atmospheric concentrations of sulfates for the 114 statistical areas of the study. Regression 2 shows that the total death rate is significantly related to the minimum level of sulfate pollution, to population density, and to the percentage of people over age 65; 81 percent of the variation is explained. Regressions 4, 6, and 8 show that the minimum atmospheric concentration of sulfates is a significant explanatory variable in three categories of infant death rates.

One might put these results in perspective by noting estimates on how small decreases in the air-pollution level affect the various death rates. A 10 percent decrease in the minimum concentration of measured particulates would decrease the total death rate by 0.5 percent, the infant death rate by 0.7 percent, the neonatal death rate by 0.6 percent, and the fetal death rate by 0.9 percent. Note that a 10 percent decrease in the percentage of poor families would decrease the total death rate by 0.2 percent and the fetal death rate by 2 percent. A 10 percent decrease in the minimum concentration of sulfates would decrease the total death rate by 0.4 percent, the infant mortality rate by 0.3 percent, the neonatal death rate by 0.4 percent, and the fetal death rate by 0.5 percent.

Each of the relations in Tables 1 and 3 was estimated in alternative ways, including transformation into logarithms, a general quadratic, and a "piecewise" linear form as documented elsewhere.[12] The implications about the roles of air pollution and of the socioeconomic variables were unchanged by use of the different functional forms. Another result to be stressed is that, in Table 1, comparable regressions for males and females show almost precisely the same effects for air pollution. This suggests that occupational exposure does not affect these results; the result lends credence to the estimates. A result that we document elsewhere [53] is that it is the minimum level of air pollution that is important, not the occasional peaks. People dealing with this problem should worry about abating air pollution at all times, instead of confining their concern to increased pollution during inversions.

SOME CAVEATS

In preceding sections we have described a number of studies which quantify the relationship between air pollution and both morbidity and mortality. Is the evidence conclusive? Is it possible for a reasonable man still to object that there is no evidence of a substantial quantitative association? We believe that there is conclusive evidence of such association.[55]

In the studies discussed, a number of countries are considered, and differences in morbidity and mortality rates among different geographical areas, among people within an occupational group, and among children are examined. Various methods are used, ranging from individual medical examinations and interviews to questionnaires and tabulations of existing data. While individual studies may be attacked on the grounds that none manages to provide controls for all causes of ill health, the number of studies and the variety of approaches are persuasive. It is difficult to imagine how factors such as general habits, inherited characteristics, and lifetime exercise patterns could be taken into account.

To discredit the results, a critic would have to argue that the relationships found

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by the investigators are spurious because the level of air pollution is correlated with a third factor, which is the "real" cause of ill health. For example, many studies do not take into account smoking habits, occupational exposure, and the general pace of life. Perhaps city dwellers smoke more, get less exercise, tend to be more overweight, and generally live a more strained, tense life than rural dwellers. If so, morbidity and mortality rates would be higher for city dwellers, yet air pollution would be irrelevant. This explanation cannot account for the relationships found.

Apparently there is little systematic relationship between relevant "third" factors and the level of air pollution. An English study [19] in which smoking habits are examined reveals little evidence of differences by residence. There is evidence in the United States that smoking is more prevalent among lower socioeconomic groups [56] but income or other socioeconomic variables would account for this effect and still leave the pollution coefficient unbiased. More importantly, the correlations between air pollution and mortality are better when one is comparing areas within a city (where more factors are held constant) than when one is comparing rural and urban areas.[57] It is especially hard to believe that the apparent relation between air pollution and ill health is spurious when significant effects are found in studies comparing individuals within strictly defined occupational groups, such as postmen or bus drivers (where incomes and working conditions are comparable and unmeasured habits are likely to be similar).

When there are uncontrolled factors, some studies may show inconclusive or even negative results; only by collecting samples large enough to "average away" spurious effects can dependable results be guaranteed. In the main, each of the studies cited above was based on a substantial sample. It is the body of studies as a whole that we find persuasive.

An examination of contrary results. Uncontrolled factors, together with small samples, are certain to lead to some results contrary to the weight of evidence and to our expectations. For example, in some studies [58] no attempt is made to control even for income or social status. From the evidence of studies which did provide such controls, we know that failure to control for income leads to biased results, and so we place little credence in either the positive or negative findings of studies lacking these controls.

Sampling error can be extremely important. For example, Zeidberg *et al.*[59] find mixed results in crosstabulating respiratory disease mortality with level of air pollution and with income class. In general the relationships are in the expected direction, but they are often insignificant. Insignificant results might occur often, if the samples are small, even if air pollution is extremely significant, since sampling errors dominate the explanatory variables.

Another study in which sampling error is important is reported by Ferris and Whittenberger.[7] They compared individuals in Berlin, New Hampshire, with residents of Chilliwack (British Columbia), Canada, and—not surprisingly in view of the small samples—failed to find significant differences in the occurrence of respiratory disease. Prindle *et al.*[60] compared two Pennsylvania towns in the same fashion. These two studies are admirable in that individuals were subjected to careful medical examinations. However, only a few hundred individuals were studied, and this means that sampling errors tend to obscure the effects of air pollution. Moreover, there were no controls for other factors, such as smoking. Also, one must be careful to control for a host of other variables if the sample is small. For example, the ethnic origins of the population and their general habits and occupations are known to affect mortality rate. It is exceedingly difficult to control for these factors; use of carefully constructed large samples seems the best answer. Finally, air pollution is measured currently, and it is generally assumed that relative levels have been constant over time and that people have lived at their present addresses for a long period. It is hardly surprising that statistical significance is not always obtained when such assumptions are necessary.

Since investigators are more reluctant to publish negative results than positive ones, and since it is more difficult to get negative results published, it is probable that we are unaware of other studies that fail to find a strong association between air pollution and ill health. We are somewhat reluctant to come to strong conclusions without knowledge of such negative results. However, there seems to be no reasonable alternative to evaluating the evidence at hand and allowing for uncertainty. Thus, we conclude that an objective observer would have to agree that there is an important association between air pollution and various morbidity and mortality rates.

THE ECONOMIC COSTS OF DISEASE

Having found a quantitative association between air pollution and both morbidity and mortality, the next question is that of translating the increased sickness and death into dollar units. The relevant question is, How much is society willing to spend to improve health (to lower the incidence of disease)? In other words, how much is it worth to society to relieve painful symptoms, increase the level of comfort of sufferers, prevent disability, and prolong life? It has become common practice to estimate what society is willing to pay by totaling the amount that is spent on medical care and the value of earnings "forgone" as a result of the disability or death.[61] This cost seems a vast underestimate for the United States in the late 1960's. Society seems willing to spend substantial sums to prolong life or relieve pain. For example, someone with kidney failure can be kept alive by renal dialysis at a cost of $15,000 to $25,000 per year; this sum is substantially in excess of forgone earnings, but today many kidney patients receive this treatment. Another example is leukemia in children; enormous sums are spent to prolong life for a few months, with no economic benefit to society. If ways could be found to keep patients with chronic bronchitis alive and active longer, it seems likely that people would be willing to spend sums substantially greater than the foregone earnings of those helped. So far as preventing disease is concerned, society is willing to spend considerable sums for public health programs such as chest x-rays, inoculation, fluoridation, pure water, and garbage disposal and for private health care programs such as annual physical checkups.

While we believe that the value of earnings forgone as a result of morbidity and mortality provides a gross underestimate of the amount society is willing to pay to lessen pain and premature death caused by disease, we have no other way of deriving numerical estimates of the dollar value of air-pollution abatement. Thus, we proceed with a conventional benefit calculation, using these forgone earnings despite our reservations.

Direct and indirect costs. Our figures for the cost of disease are based on *Estimating the Cost of Illness*, by Dorothy P. Rice.[61] Unfortunately, Rice calculated disease costs in quite aggregate terms, and so the category "diseases of the respiratory system" must be broken down. It seem reasonable to assume that both direct and indirect costs would be proportional to the period of hospitalization (total patient-days in hospitals) by disease category.[62]

Rice defines a category of direct disease costs as including expenditures for hospital and nursing home care and for services of physicians, dentists, and members of other health professions. "Other direct costs" (which would add about 50 percent to those just enumerated) consist of a variety of personal and nonpersonal expenditures (such as drugs, eyeglasses, and appliances), school health services, industrial in-plant health services, medical activities in federal units other than hospitals, medical research, construction of medical facilities, government public health activities, administrative expenditures of voluntary health agencies, and the net cost of insurance. Since Rice does not allocate "other direct costs" among diseases, we omit it from our cost estimates. However, we conjecture that respiratory diseases represent a substantial portion of this category. Thus, our direct cost estimate is likely to be a substantial underestimate of "true" direct costs (probably more than 50 percent too low).

Estimating indirect cost is an attempt to measure the losses to the nation's economy caused by illness, disability and premature death. We would argue that such a calculation gives a lower bound for the amount people would be willing to pay to lower the morbidity and mortality rates. These costs are calculated in terms of the earnings forgone by those who are sick, disabled, or prematurely dead.[63]

THE HEALTH COST OF AIR POLLUTION

The studies cited in this article show a close association between air pollution and ill health. The evidence is extremely good for some diseases (such as bronchitis and lung cancer) and only suggestive for others (such as cardiovascular disease and nonrespiratory-tract cancers). Not all factors have been taken into account, but we argue that an unbiased observer would have to concede the association. More effort can and should be spent on refining the estimates. However, the point of this exercise is to estimate the health cost of air pollution. We believe that the evidence is sufficiently complete to allow us to infer, roughly, the quantitative associations. We do so with caution, and proceed to translate the effects into dollars. We have attempted to choose our point estimates from the conservative end of the range.

We interpret the studies cited as indicating that mortality from bronchitis would be reduced by about 50 percent if air pollution were lowered to levels currently prevailing in urban areas with relatively clean air. We therefore make the assumption that there would be a 25 to 50 percent reduction in morbidity and mortality due to bronchitis if air pollution in the major urban areas were abated by about 50 percent. Since the cost of bronchitis (in terms of forgone income and current medical expenditures) is $930 million per year, we conclude that from $250 million to $500 million per year would be saved by a 50 percent abatement of air pollution in major urban areas.

Approximately 25 percent of mortality from lung cancer can be saved by a 50 percent reduction in air pollution, according to the studies cited above. This amounts to an annual cost of about $33 million.

The studies document a strong relationship between all respiratory disease and air pollution. It seems likely that 25 percent of all morbidity and mortality due to respiratory disease could be saved by a 50 percent abatement in air pollution levels. Since the annual cost of respiratory disease is $4887 million, the amount saved by a 50 percent reduction in air pollution in major urban areas would be $1222 million.

There is evidence that over 20 percent of cardiovascular morbidity and about 20 percent of cardiovascular mortality could be saved if air pollution were reduced by 50 percent. We have chosen to put this saving

Footnotes at end of article.

at only 10 percent—that is, $468 million per year.

Finally, there is a good deal of evidence connecting all mortality from cancer with air pollution. It is difficult to arrive at a single figure, but we have estimated that 15 percent of the cost of cancer would be saved by a 50 percent reduction in air pollution—a total of $390 million per year.

Not all of these cost estimates are equally certain. The connection between bronchitis or lung cancer and air pollution is much better documented than the connection between all cancers or all cardiovascular disease and air pollution. The reader may aggregate the costs as he chooses. We estimate the total annual cost that would be saved by a 50 percent reduction in air-pollution levels in major urban areas, in terms of decreased morbidity and mortality, to be $2080 million. A more relevant indication of the cost would be the estimate that 4.5 percent of all economic costs associated with morbidity and mortality would be saved by a 50 percent reduction in air pollution in major urban areas.[24] This percentage estimate is a robust figure; it is not sensitive to the exact figures chosen for calculating the economic cost of ill health.

A final point is that these dollar figures are surely underestimates of the relevant costs. The relevant measure is what people would be willing to pay to reduce morbidity and mortality (for example, to reduce lung cancer by 25 percent. It seems evident that the value used for forgone earnings is a gross underestimate of the actual amount. An additional argument is that many health effects have not been considered in arriving at these costs. For example, relatively low levels of carbon monoxide can affect the central nervous system sufficiently to reduce work efficiency and increase the accident rate.[25] Psychological and esthetic effects are likely to be important, and additional costs associated with the effect of air pollution on vegetation, cleanliness, and the deterioration of materials have not been included in these estimates.[26]

FOOTNOTES

[1] For a general discussion of inherent problems in handling residuals, see R. U. Ayres and A. V. Kneese, *Amer. Econ. Rev.* 59, 282 (1969).

[2] For summaries of studies relating air pollution to health, see J. R. Goldsmith in *Air Pollution*, vol. 1; *Air Pollution and Its Effects*, A. Stern, Ed. (Academic Press, New York, 1968), p. 547; E. C. Hammond, paper presented at the 60th annual meeting of the Air Pollution Control Association, 1967; H. Heimann, *Arch. Environ. Health* 14, 488 (1967). For more general reviews of the literature, see A. G. Cooper, "Sulfur Oxides and other Sulfur Compounds," *U.S. Public Health Serv. Publ. No. 1093* (1965); ———, "Carbon Monoxide," *U.S. Public Health Serv. Publ. No. 1503* (1966); "The Oxides of Nitrogen in Air Pollution," *Calif. Dep. Public Health Publ.* (1966); "Air Quality Criteria for Sulfur Oxides," *U.S. Public Health Serv. Publ. No. 1619* (1967); *Effects of Chronic Exposure to Low Levels of Carbon Monoxide on Human Health, Behavior, and Performance* (National Academy of Sciences and National Academy of Engineering, Washington, D.C. 1969).

[3] *Public Health (Johannesburg)* 63, 30 (1963); D. M. Johnson, *Good Housekeeping* 1961, 49 (June 1961).

[4] See A. V. Kneese, in *Social Sciences and the Environment; Conference on the Present and Potential Contribution of the Social Sciences to Research and Policy Formulation in the Quality of the Physical Environment*, M. E. Garnsey and J. R. Hibbs, Eds. (Univ. of Colorado Press, Boulder, 1967), p. 165; R. G. Ridker, *Economic Costs of Air Pollution* (Praeger, New York, 1967); "Air Quality Criteria for Sulfur Oxides, *U.S. Public Health Serv. Publ. No. 1619* (1967), pp. 54–57.

[5] L. Greenburg, M. B. Jacobs, B. M. Drolette, F. Field, M. M. Braverman, *Public Health Rep.* 77, 7 (1962); M. McCarroll and W. Bradley, *Amer. J. Public Health Nat. Health* 56, 1933 (1966); J. Firkert, *Trans. Faraday Soc.* 32, 1192 (1936); H. H. Schrenk, H. Heimann, G. D. Clayton, W. M. Gafafer, H. Wexler, "Air Pollution in Donora, Pennsylvania," *Public Health Bull. No. 306* (1949).

[6] See J. R. Goldsmith, *Med. Thoracalis* 22, 1 (1965).

[7] B. G. Ferris, Jr., and J. L. Whittenberger, *N. Engl. J. Med.* 275, 1413 (1966).

[8] For a summary of laboratory experiments see "Air Quality Criteria for Sulfur Oxides," *U.S. Public Health Serv. Publ. No. 1619* (1967) pp. 79–93.

[9] Chronic effects, where the incidence of the disease is small, can be studied only for large samples (millions of man-years of exposure); see J. R. Goldsmith, *Arch. Environ. Health* 18, 516 (1969); J. Rumford, *Amer. J. Public Health* 51, 165 (1961). Morbidity data would be more useful than mortality data, since death may result from a cause having no direct relationship to the original pollution-induced disease.

[10] For example, M. McCarroll and W. Bradley [*Amer. J. Public Health Nat. Health* 56, 1933 (1966)] correlate the daily mortality rate in New York City with daily pollution indices. See also J. R. McCarroll, E. J. Cassell, W. A. B. Ingram, D. Wolter, "Distribution of families in the Cornell air pollution study" and "Health profiles vs. environmental pollutants," papers presented at the 92nd annual meeting of the American Public Health Association, New York, 1964; ———, *Arch. Environ. Health* 10, 357 (1965); W. Ingram, J. R. McCarroll, E. J. Cassell, D. Wolter, *ibid.*, p. 364; E. J. Cassell, J. R. McCarroll, W. Ingram, D. Wolter, *ibid.*, p. 367. Other workers have attempted to explain daily variations in hospital admissions [see L. Greenburg, F. Field, J. I. Reed, C. L. Erhardt, *J. Amer. Med. Ass.* 182, 161 (1962); W. W. Holland, C. C. Spicer, J. M. G. Wilson, *Lancet* 1961–II, 338 (1961); G. F. Abercrombie, *Ibid.* 1953–I, 234 (1953); A. E. Martin, *Mon. Bull. Min. Publ. Health Lab. Serv. Directed Med. Res. Counc.* 20, 42 (1961); R. Lewis, M. M. Gilkeson, Jr., R. O. McCaldin, *Public Health Rep.* 77, 947 (1962); T. D. Sterling, S. V. Pollack, D. A. Schumsky, I. Degroot, *Arch. Environ. Health* 13, 158 (1966); T. D. Sterling, S. V. Pollack, J. Weinkam, *ibid.* 18, 462 (1969)] absence rates (see J. Ipsen, F E. Ingenito, M. Deane, *ibid.*, p. 462); symptoms in school children [see B. Paccagnella, R. Pavanello, R. Pesarin, *ibid.*, p. 495; T. Toyama, *ibid.*, 8, 1953 (1964)] the incidence of asthma attacks [see L. D. Zeidberg, R. A. Prindle, E. Landau, *Amer. Rev. Resp. Dis.* 84, 489 (1961); C. E. Schoettlin and E. Landau, *Public Health Rep.* 76, 545 (1961); R. Lewis, *J. La. State Med. Soc.* 115, 300 (1963)]; and other morbidity [see J. T. Boyd, *Brit. J. Prev. Soc. Med.* 14, 123 (1960); R. G. Loudon and J. F. Kilpatrick, *Arch. Environ. Health* 18, 641 (1969)].

[11] The most complete investigation of various pollutants was that of the Nashville studies. See L. D. Zeidberg, R. A. Prindle, E. Landau, *Amer. Rev. Resp. Dis.* 84, 489 (1961); L. D. Zeidberg and R. A. Prindle, *Amer. J. Public Health* 53, 185 (1963); L. D. Zeidberg, R. A. Prindle, E. Landau, *ibid.* 54, 85 (1964); L. D. Zeidberg, R. J. M. Horton, E. Landau, *Arch. Environ. Health* 15, 214 (1967); ———, *ibid.*, p. 225; R. M. Hagstrom, H. A. Sprague, E. Landau, *ibid.*, p. 237; H. A. Sprague and R. Hagstrom, *ibid.* 18, 503 (1969). It is conceptually possible to differentiate among pollutants, since, for example, the correlation between mean level of suspended particulates and mean level of sulfates for 114 U.S. Standard Metropolitan Statistical Areas is only .20.

[12] L. B. Lave, "Air pollution damage" in *Research on Environmental Quality*, A. Kneese, Ed. (Johns Hopkins Press, Baltimore, in press).

[13] D. J. B. Ashley, *Brit. J. Cancer* 21, 243 (1967); C. Daly, *Brit. J. Prev. Soc. Med.* 13, 14 (1959); J. Pemberton and C. Goldberg, *Brit. Med. J.* 2, 567 (1954); P. Stocks, *ibid.* 1, 74 (1959); R. E. Waller and P. J. Lawther, *ibid.* 2, 1356 (1955); ———, *ibid.* 4, 1473 (1957); P. J. Lawther, *Proc. Roy. Soc. Med.* 51, 262 (1958); ———, *Nat. Acad. Sci. Nat. Res. Counc. Publ. No. 652* (1959), pp. 88–96; ———, *Instrum. Pract.* 11, 611 (1957); J. Pemberton, *J. Hyg. Epidemiol. Microbiol. Immunol. (Prague)* 5, 189 (1961); J. L. Burn and J. Pemberton, *Int. J. Air Water Pollut.* 7, 5 (1963); E. Gorham, *Lancet* 1958–I, 691 (1958); P. Stocks, *Brit. J. Cancer* 14, 397 (1960). These studies are updated and summarized in S. F. Buck and D. A. Brown, *Tobacco Res. Counc. Res. Paper No. 7* (1964).

[14] W. Winkelstein, Jr., S. Kantor, E. W. Davis, C. S. Manerí, W. E. Mosher, *Arch. Environ. Health* 14, 162 (1967).

[15] International Joint Commission U.S. and Canada, "Report on the pollution of the atmosphere in the Detroit River Area" (Washington and Ottawa, 1960).

[16] T. Toyama, *Arch. Environ. Health* 8, 153 (1964).

[17] F. L. Petrilli, G. Agnese, S. Kanitz, *ibid.* 12, 733 (1966); A. Bell, in *Air Pollution by Metallurgical Industries*, A. Bell and J. L. Sullivan, Eds. (Department of Public Health, Sydney, Australia, 1962), pp. 2:1–2: 144.

[18] P. Stocks, *Brit. Med. J.* 1, 74 (1959).

[19] P. Stocks, *Brit J. Cancer* 14, 397 (1960).

[20] D. J. B. Ashley, *ibid.* 21, 243 (1967).

[21] That the least-squares method provides the best linear unbiased estimates is the conclusion of the Gauss-Markov theorem, for which $E(ee') = \sigma^2 I$ and $E(e) = 0$ are the basic assumptions. These assumptions are that the basic model must be linear and that the distribution of the errors must have an expected value of zero, have finite variance, have a constant distribution over the various observations, and be independent. In addition, no explanatory variables may be omitted which are correlated with included variables. It is also convenient to assume that the explanatory variables are measured without error, although the framework can easily be adjusted to handle errors. In order to perform significance tests, one must make an assumption about the distribution of the error term. For all the relations we estimated, we plotted the residuals and discovered that all distributions were unimodel, symmetric, and basically consistent with the normal distribution. Thus, in the discussion that follows, we have assumed that the error term is distributed normally.

[22] For example, for economic level 1 (defined below), the death rates (per 100,000) for pollution levels 2 to 4 (defined below) are 126, 271, and 392. For economic level 2, the death rates for air pollution levels 1 to 4 are 136, 154, 172, and 199. For economic level 4, the death rates for pollution levels 1 to 3 are 70, 80, and 177. The five economic levels, based on median family income in a census tract, are as follows: $3005–$5007; $5175–$6004; $6013–$6614; $6618–$7347; and $7431–$11,792. The four air pollution levels (in micrograms) of suspended particulates (per cubic meters per 24 hours) are as follows: less than 80, 80–100, 100–135, and more than 135.

[23] P. Stocks and J. M. Campbell, *Brit. Med. J.* 2, 923 (1955).

[24] In most of the early studies, pollution measures were not available, and so urban mortality rates were contrasted with rural rates. In these studies a substantial "urban factor" was found, which, unfortunately, was a compound of air pollution and many other factors. In the later studies the portion ascribable to air pollution is separated out.

[25] C. Daly, *Brit. J. Prev. Soc. Med.* 13, 14 (1959).

[26] Buck and Brown [*Tobacco Res. Counc. Res. Paper No. 7* (1964)], in examining data from England, control for population per acre, for social class, and for smoking habits. They find no relationship between smoking and lung cancer, and a relationship between SO_2 and lung cancer that is not consistent.

Stocks uses three sets of data to isolate the effect of air pollution on lung cancer. Contrasting data for eight northern European cities, he finds a correlation between lung cancer and air pollution of .60, and correlations between lung cancer and smoking that range between .27 and .36. Contrasting data for 19 countries, he finds that an index of solid fuel consumption is a much stronger variable than cigarette consumption per capita. Finally, with data from northern England, he finds confirmation of an association between lung cancer and air pollution. See P. Stocks, *Brit. J. Prev. Soc. Med.* 21, 181 (1966).

[27] E. C. Hammond and D. Horn, *J. Amer. Med. Assn.* 16, 1294 (1958).

[28] W. Haenszel, D. B. Loveland, M. G. Sirken, *J. Nat. Cancer Inst.* 28, 947 (1962).

[29] Haenszel and Taeuber analyzed data for 683 white American females who died of lung cancer, and for a control group. They found the crude rate of death from lung cancer to be 1.32 times as high in urban areas as in rural areas for 1958–1959 and 1.29 times as high for 1948–1949 (in subjects 35 years and older, with adjustments made for age). When adjustments were made for both age and smoking history, the ratio was 1.27. This ratio increased with the duration of residence in the urban or rural area, from 0.80 for residence of less than 1 year to 1.76 for lifetime residence. See W. Haenszel and K. E. Taeuber, *J. Nat. Cancer Inst.* 32, 803 (1964).

[30] L. D. Zeidberg, R. J. Horton, and E. Landau [*Arch. Environ. Health* 15, 214 (1967)] are not able to isolate an air pollution effect on mortality from lung cancer from data for Nashville for the years 1949 through 1960; C. A. Mills [*Amer. J. Med. Sci.* 239, 316 (1960)] investigated rates of death from lung cancer in Ohio. Stratifying according to the amount of driving done by the deceased, he found that the death rate varied with driving and urban exposure; L. Greenburg, F. Field, J. I. Reed, M. Glasser [*Arch. Environ. Health* 15, 356 (1967)] investigated 1190 cancer deaths that occurred on Staten Island between 1959 and 1961 and found a relationship between lung cancer and air pollution; M. L. Levin, W. Haenszel, B. E. Carroll, P. R. Gerhardt, V. H. Handy, S. C. Ingraham II [*J. Nat. Cancer Inst.* 24, 1243 (1960)] found significant differences between urban and rural mortality rates (for periods around 1950) in New York State, Connecticut, and Iowa. For males, the death rates were 41 percent higher in urban areas in New York, 57 percent higher in Connecticut, and 184 percent higher in Iowa. For females, the differences were 7 percent, 24 percent, and 47 percent, respectively; P. Buell, J. E. Dunn, L. Breslow [*Cancer* 20, 2139 (1967)] utilized 69,868 questionnaires covering 336,571 man-years, in their study of lung cancer in California veterans. They found rates of death from lung cancer (adjusted for differences in age and smoking habits) to be 25 percent higher in the major metropolitan areas than in the less urbanized areas. Among nonsmokers, the rates of death from lung cancer were 2.8 to 4.4 times as high for major metropolitan areas as for more rural areas.

[31] P. Buell and J. E. Dunn, Jr., *Arch. Environ. Health* 15, 291 (1967).

[32] W. Winkelstein, Jr., and S. Kantor, *ibid.* 18, 544 (1969).

[33] For economic level 2 (see 22), the mortality rate per 100,000 for gastic cancer in white males 50 to 69 years old changed from 45 to 41, 48, and 84 as the pollution level (see 22) rose. For economic level 4, the rates were 15, 88, and 63 for the first three pollution levels. For white women 50 to 69 years old, the death rates for economic level 2 were 8, 18, 25, and 40 per 100,000. For economic level 4, the death rates were 5 and 21 for the first two pollution levels.

[34] R. M. Hagstrom, H. A. Sprague, E. Landau, *Arch. Environ. Health* 15, 237 (1967).

[35] The four measures of pollution are suspended particulates (soiling), dustfall, SO_3 and SO_2. For all cancer deaths, the number per 100,000 for middle class residents (defined to include about 75 percent of all residents) fell from 153 for high-pollution areas, to 130 for moderate-pollution areas, to 124 for low-pollution areas when a soiling index (concentration of haze and smoke per 1000 linear feet) was used to classify air pollution. When SO_3 (milligrams per 100 square centimeters per day) was used as a basis for classification, the corresponding death rates were 150, 129, and 145, respectively. With dustfall as a measure, the figures were 145, 130, and 131, and with 24-hour SO_2, in parts per million, they were 141, 129, and 138.

[36] M. L. Levin, W. Haenszel, B. E. Carroll, P. R. Gerhardt, V. H. Handy, S. C. Ingraham II, *J. Nat. Cancer Inst.* 24, 1243 (1960).

[37] P. E. Enterline, A. E. Rikli, H. I. Sauer, M. Hyman, *Public Health Rep.* 75, 759 (1960).

[38] L. D. Zeidberg, R. J. M. Horton, E. Landau, *Arch. Environ, Health* 15, 225 (1967).

[39] When air-pollution level was measured on the basis of sulfation (SO_3, in milligrams per 100 square centimeters per day), the morbidity rates (for white, middle-class males aged 55 and older) were 64.0 man-years per 1,000 man-years for high-pollution areas, 34.1 for moderate-pollution areas, and 36.8 for low-pollution areas. Measurement of air pollution on the basis of 24-hour concentrations of SO_2 gave morbidity rates of 47.2, 36.8, and 22.2, respectively. For these same white, middle-class males, in areas of high atmospheric concentrations of SO_3, the mortality rate was 425.6 per 100,000 population; in moderate-concentration areas, 327.41; and in low-concentration areas, 361.97. With SO_2 concentrations as a measure, the corresponding figures were 424.87, 319.19, and 364.93. When soiling (smoke or suspended particles) was used as the pollution index, the figures were 376.65, 339.13, and 399.88, respectively.

[40] G. Friedman, *J. Chronic Dis.* 20, 769 (1967).

[41] The effect of air pollution on pneumonia, tuberculosis, and asthma has also been investigated. C. Daly (see *25*) reports simple correlations of .60 for pneumonia mortality and pollution from domestic fuel and .52 for pneumonia mortality and pollution from industrial fuel. For tuberculosis mortality the correlations are .59 and .22, respectively. The death rates for pneumonia rise from 30 to 52 per 100,000, and those for tuberculosis rise from 47 to 89, as one goes from rural setting to conurbations. Stocks (*19*) reports data on pneumonia mortality, by sex, for 26 areas of northern England and Wales. As shown by regressions 27 through 30 in Table 1, there appears to be a strong relationship between a smoke index and pneumonia mortality. The relationship is much stronger for men than for women. C. A. Mills [*Amer. J. Hyg.* 37, 131 (1943)], in a classic study of wards in Pittsburgh and Cincinnati for 1929–30, reports substantial correlation between pneumonia death rates and local pollution indices. He found the correlation between dustfall and rates for pneumonia mortality in white males to be .47 for Pittsburgh and .79 for Cincinnati. The actual variation in these death rates is 41 to 165 per 100,000 population for Cincinnati and 0 to 7852 for Pittsburgh. Mills argues that omitted socioeconomic variables could not account for these correlations, but he made no attempt to control for such variables in his studies. He also found that death rates fell significantly as the altitude of an individual's residence increased; there was a drop of approximately 10 percent in death rate for every 100 feet (30 meters) of elevation [see also C. A. Mills, *Amer. J. Med. Sci.* 224, 403 (1952); E. Gorham, *Lancet* 1959–II, 287 (1959)]. Zeidberg, Prindle, and Landau [*Amer. Rev. Resp. Dis.* 84, 489 (1961)] studied 49 adult and 35 child asthma patients for a year. They found that the attack rate (attacks per person per day) for adults rose from .070 during days when atmospheric concentrations of sulfates were low to .216 when concentrations were high. In children, the effect of increased concentrations of sulfates was insignificant. Schoettlin and Landau [*Public Health Rep.* 76, 545 (1961)] investigated 137 asthma patients in Los Angeles during the fall months. They found that 14 percent of the variance in daily attacks ($n=3435$) could be explained by the maximum atmospheric concentrations of oxidants for that day. These two studies document a strong relationship between asthma and air pollution; Lewis, Gilkeson, and McCaldin [*Public Health Rep.* 77, 947 (1962)] found no association between the daily frequency of visits to charity hospitals for treatment of asthma attacks and measures of air pollution.

[42] J. W. B. Douglas and R. E. Waller, *Brit. J. Prev. Soc. Med.* 20, 1 (1966).

[43] A. S. Fairbairn and D. D. Reid, *ibid.* 12, 94 (1958).

[44] L. D. Zeidberg, R. A. Prindle, E. Landau, *Amer. J. Public Health* 54, 85 (1964).

[45] Morbidity rates associated with a soiling index were 140, 122, and 96, respectively, for high, moderate, and low pollution; corresponding rates associated with an SO_2 index were 177, 117, and 81. For white females, morbidity rates associated with an SO_3 index were 169, 134, and 160; with a soiling index, 158, 139, and 127; and with an SO_2 index, 172, 136, and 116. For nonwhite males, the morbidity rates associated with an SO_2 index were 86 for high concentrations and 84 for moderate and low concentrations; corresponding rates associated with a soiling index were 94 and 67, and with an SO_2 index, 84 and 88. For nonwhite females, morbidity rates of 136 and 140 were associated with high and with moderate and low SO_2 concentrations, respectively; corresponding rates associated with soiling were 140 and 129, and with SO_2 concentrations, 145 and 126. The effects for working women and for housewives, between the ages of 14 and 65, were similar.

[46] E. C. Hammond, paper presented at the 60th annual meeting of the Air Pollution Control Association, 1967.

[47] S. Ishikawa, D. H. Bowen, V. Fisher, J. P. Wyatt. *Arch. Envision. Health* 18, 660 (1969).

[48] W. W. Holland and D. D. Reid, *Lancet* 1965–I, 445 (1965).

[49] D. D. Reid, *ibid.* 1958–I, 1289 (1958).

[50] C. J. Cornwall and P. A. B. Raffle, *Brit. J. Ind. Med.* 18, 24 (1961).

[51] F. C. Dohan, *Arch. Environ, Health* 3, 387 (1961); ——— and E. W. Taylor, *Amer. J. Med. Sci.* 240, 337 (1960).

[52] H. A. Sprague and R. Hagstom, *Arch. Environ. Health* 18, 503 (1969).

[53] L. B. Lave and E. P. Seskin, in preparation.

[54] "Country and City Data Book," *U.S. Dep. Commerce Publ.* (1962); "Analysis of Suspended Particulates, 1957–61," *U.S. Public Health Serv. Publ. No. 978*—(1962); "Vital Statistics of the United States (1960)," *U.S. Dep. Health Educ. Welf. Publ.* (1963); "Vital Statistics of the United States (1961)," *U.S. Dep. Health Educ. Welf. Publ.* (1963).

[55] For a discussion of the limitations of these studies, see B. G. Ferris, Jr., and J. L. Whittenberger (7) and J. R. Goldsmith, *Arch. Environ, Health* 18, 516 (1969).

[56] See "Smoking and Health Report of the Advisory Committee to the Surgeon General of the Public Health Service," *U.S. Public Health Serv. Publ. No. 1103* (1964), p. 362.

[57] This might be explained by noting that farmers tend to be exposed to a high level of pollution in the course of their work (from fertilizers, insecticides, and the exhaust fumes from farm equipment), which causes more deaths from respiratory disease than would be expected from the low level of general air pollution in rural areas.

[58] See, for example, T. Toyama (*16*) and F. L. Petrilli, G. Agnese, S. Kanitz, *Arch. Environ. Health* 12, 733 (1966).

[59] L. D. Zeidberg, R. J. M. Horton, E. Landau, *Arch. Environ. Health* 15, 214 (1967).

[60] R. A. Prindle, G. W. Wright, R. O. McCaldin, S. C. Marcus, T. C. Lloyd, W. E. Bye, *Amer. J. Public Health* 53, 200 (1963).

[61] D. P. Rice, "Estimating the Cost of Illness," *Public Health Serv. Publ. No. 947–6* (1966).

[62] The category "diseases of the respiratory system" encompasses numbers 470 through 527 of the 1962 International Classification of Diseases, Adapted (ICDA). A report of the Commission on Professional and Hospital Activitives, entitled Length of Stay in Short-Term General Hospital (1963–1964) (McGraw-Hill, New York, 1966), gives details on the average lengths of stay and number of patients in 319 U.S. general hospitals for 1963 and 1964 by specific ICDA classifications. From these figures we were able to compute the ratio of total hospitalization by specific disease to total hospitalization for all respiratory diseases. Of the 2,410,900 impatient days for all respiratory diseases, 232,222 were for acute bronchitis and 177,232 were for "bronchitis, chronic and unspecified." Thus, approximately 17 percent of all inpatient days for respiratory diseases were for some form of bronchitis. On the basis of current hospitalization rates, we find the direct cost of diseases of the respiratory system to be $1581 million annually. An estimated 17 percent of this amount is due to bronchitis; thus, the direct cost of bronchitis is about $268.8 million annually.

[63] To calculate the indirect cost of bronchitis, we must do more than take 17 percent of the total indirect cost ($3,305,700) of all diseases of the respiratory system. Almost 50 percent of respiratory disease patients are hospitalized for "hypertrophy of tonsils and adenoids" (ICDA 510). Hospitalization is categorized by age of patient in the Commission on Professional and Hospital Activities report, and we note that 80 percent of these "tonsil and adenoid" patients were under 20 years of age. Thus, it seems clear that the "forgone earnings" of these patients is negligible, and so no indirect costs should be allocated to this group. We therefore excluded the hospitalization of "tonsil and adenoid" patients before computing the percentage of hospitalization due to bronchitis. Thus, we estimated that 20 percent of the indirect cost of respiratory disease can be ascribed to bronchitis.

[64] There is one bit of evidence that 25 to 50 percent of total morbidity (and therefore mortality) can be associated with air pollution; see L. D. Zeidberg, R. A. Prindle, E. Landau, *Amer. J. Public Health* 54, 85 (1964). If one accepted this evidence as conclusive, it would follow that the annual cost of air pollution, because of health effects, would run between $14 billion and $29 billion.

[65] See J. H. Schulte, *Arch. Environ. Health* 7, 524 (1963); A. G. Cooper, "Carbon Monoxide," *U.S. Public Health Serv. Publ. No. 1503* (1966); *Effects of Chronic Exposure to Low Levels of Carbon Monoxide on Human Health, Behavior, and Performance* (National Academy of Sciences and National Academy of Engineering, Washington, D.C., 1969).

[66] Another way to estimate the cost of air pollution is to examine the effect of air pollution on property values. See R. J. Anderson, Jr., and T. D. Crocker, "Air Pollution and residential property values," paper presented at a meeting of the Econometric Society, New York, December 1969; H. O. Nourse, *Land Econ.* 43, 181 (1967); R. G. Ridker, *Economic Costs of Air Pollution* (Praeger, New York, 1967); R. G. Ridker and J. A. Henning, *Rev. Econ. Statist.* 49, 246 (1967); R. N. S. Harris, G. S. Tolley, C. Harrell, *ibid.* 50, 241 (1968).

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[69] P. Stocks, "British Empire Cancer Campaign," supplement to "Cancer in North Wales and Liverpool Region," part 2 (Summerfield and Day, London, 1957).

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[73] The research discussed in this article was supported by a grant from Resources for the Future, Inc. We thank Morton Corn, Allen Kneese, and John Goldsmith for helpful comments. Any opinions and remaining errors are ours.

AMERICAN PRISONERS OF WAR

Mr. GORE. Mr. President, during and after every war in which the United States has been engaged, Congress has concerned itself with the prisoner-of-war problem. This is surely the case today. Every Member of Congress is concerned and troubled over the treatment of Americans held prisoner by the various elements engaged in the fighting in Southeast Asia. It is particularly distressing that North Vietnam, claiming to be a sovereign nation and wanting to take its place in the family of nations, has so consistently and coldly refused to follow established practices of civilized man in caring for Americans held prisoner by them. It is particularly distressing, heartless on their part, that we are unable to determine with certainty just who is being held, and under what conditions.

I think we must face the fact that we live in an age of neobarbarity in several respects. The cruel handling of prisoners of war, the actions of guerillas in the Middle East, where established and recognized governments are not in control of their own territories or people, the kidnaping of diplomats in some South American countries, the easy resort to weapons of mass destruction, the disregard of the sovereignty and boundaries of small nations, the thoughtless threats or proposals of would-be leaders to "send in Marines" at every provocation, riots in our cities and on the campuses of our colleges, as well as disrespect for due process of law and justice generally, portend a general retrogression of the gravest sort in our civilization, in the way we treat our fellow man, in the way we view ourselves. This is a matter of the greatest gravity, at home and world over, and ought to be a matter of concern to everyone in a position of leadership in every country of the world. This retrogression is at work in warfare and in disorder in our own society.

In ancient times, wars were generally undertaken for purposes of economic exploitation. Additional lands and peoples were acquired primarily to add to the taxes collected by the ruling group. Soldiers were often paid in booty. One needs only to read casually of the destruction of Thebes, Carthage, Samaria, or Jerusalem, for example, to be impressed with the awful cruelties then so generally practiced.

Under such circumstances, it could not reasonably be expected that prisoners of war would be treated well. Prisoners were a part of the picture of exploitataion. They were sometimes ransomed, if they had sufficiently wealthy connections, but generally they were sold into slavery, into whatever kind of bondage the people of the time and place practiced.

But with the approach of modern times, particularly with the rise of nationalism, both the purpose and conduct of warfare generally changed. So did the handling and disposition of prisoners taken in war. Civilization moved to a higher level of conduct in this regard. Even with the rise of nationalism and its attendant conflicts, the increased reliance on militarism—Prussia adopted universal, peacetime military conscription in the 1860's—the acceleration of the cost of war and size of armies, prisoners of war began to receive better treatment, and it became customary to release and repatriate prisoners of war as a part of all general conflict settlements.

Warfare is, by its very nature, brutal. I know of no way to negate the brutality of armed conflict. But the unarmed, wounded, or captured former combatant who is now no longer a combatant can, should, and I hope always will be treated with humane consideration.

As I have said, mankind has made great strides in this sort of humaneness. And so we find that, insofar as prisoners of war and their final disposition are concerned, the general practice in modern times has been to release prisoners of war without ransom at the conclusion of a conflict. We can date this practice from the Treaty of Westphalia in 1648, which brought to a close the bloody and ideologically bitter 30-year war. And this, despite the fact that Grotius, writing in his monumental work, "On the Law of War and Peace," just a few years earlier had set out the general practice then prevailing with respect to prisoners of war. He maintained that the legalities of warfare recognized the right of captors to enslave prisoners of war. Grotius, himself, however, felt that this was not proper, and that prisoners should be ransomed or exchanged.

So, Mr. President, I think we can see that the step taken in the Treaty of Westphalia to release prisoners of war as a part of that overall settlement was truly a giant step forward for mankind. And, ever since 1648, it has been the general practice to release all prisoners of war with the settlement of a conflict.

During the continuation of a war or an armed conflict, prisoners of war have often been treated abominably. Without going too far afield, we might recall the conditions on British ships where American prisoners were held during much of the Revolutionary War. It was charged that 20,000 American prisoners of war died on those ships. And Andersonville keeps cropping up in our literature. But on the whole, those nations pretending to be civilized have improved their treatment of prisoners of war. We have had plenty of practice. Between 1480 and the outbreak of World War II, there were 278 wars, with some 2,700 battles—if one classifies as a battle those clashes on land involving at least 1,000 casualties and at least 500 for naval engagements.

Today we are concerned with the plight of our fellow countrymen who are held by the North Vietnamese and by various groups operating in South Viet-

nam or elsewhere in Southeast Asia. The frustration of our Government is matched, and surely exceeded, by the sorrow, the uncertainty, the cold fear felt by the relatives and loved ones of members of our Armed Forces who are missing from the ranks of their comrades in Vietnam, but whose fate cannot be definitely determined due to the stubborn intransigence of those against whom we are fighting in Southeast Asia.

Despite the best efforts of our Government, of some foreign governments, of international organizations, of certain U.S. citizens and officials acting in unofficial capacities, Hanoi refuses to abide by the rules of civilized nations governing the treatment of prisoners of war. This is despicable.

The most expeditious way to bring about the identification and release of our men held captive in Southeast Asia is to negotiate a general settlement of the war. This is the surest way, perhaps the only way, to bring about their early release.

As I have pointed out, ever since the Treaty of Westphalia in 1648, it has been customary to release all prisoners upon the negotiation of a general settlement following an armed conflict. Partial exchanges, releases, and paroles have sometimes occurred, but these have been rare. There have been limited releases of badly crippled and diseased prisoners in wars as recent as World War II, but this is a definite exception to the general rule. During the American Civil War, there were exchanges, particularly of officers, and in December 1864, prisoners of war officers were paroled by both sides to arrange for food and supplies to be sent to prisoners still held. Generally, these limited releases have been based on bartering between the opposing sides.

It has been proposed by some that we try to barter for our men held by the North Vietnamese. We do this sort of thing in connection with hijackings and exchanges of high-level spies. Perhaps it would work with prisoners of war, or so it is thought by some. In my opinion, although I would be willing to have our Government try this, it would be fruitless. I base this on the lack of interest displayed by the North Vietnamese in getting their own people released from South Vietnamese prisons and stockades.

Furthermore, both North Vietnam and the Vietcong have stated that release of prisoners and information about them must be a part of a general settlement of the war.

I have joined with other Senators in sponsoring various resolutions deploring the conditions under which our men are held by enemy groups in Southeast Asia. I have urged, through various channels, that an accounting be made by North Vietnam, through the International Red Cross or otherwise, of all Americans held by them or their associates and underlings. Thus far I have seen few tangible results. Some names have been released. Some films have been shown. These teasers only tantalize sorrowing and uncertain relatives and friends.

And we, of course, do not entirely trust the accuracy of what the other side out there has to say. Based on the brainwashing and brutalization practiced in Korea, we can be on guard against the same kind of thing in Vietnam. Of course, this kind of treatment and possibly enforced defection must be placed in the "nothing-new-under-the-sun" category. During our own Civil War, the Yankees captured some 476,149 prisoners and "allowed" 5,452 of these captives to join the Union Army. Senators from the North may point out in rebuttal that 3,170 Yankees captured by Confederate forces—out of a total of 188,145—joined the Confederate Army.

Without a negotiated settlement of some sort, our prisoner-of-war problem is discouraging.

For about 6 years, I have publicly urged, as I had privately urged for many years prior to that time, that the President of the United States, beginning with Mr. Eisenhower, negotiate a settlement of the political problems in Southeast Asia. Now that President Nixon has "ruled out" winning the war militarily, I see no reasonable alternative to a compromise. Such a settlement should and must include an early release of all prisoners of war.

ADDRESS BY SENATOR KENNEDY

Mr. MONDALE. Mr. President, the turbulence on our Nation's campuses is one of the most disturbing and perplexing developments we face.

We are in very real danger of losing that essential bond between the university and society at large. And with it, we stand to lose much of the potential for our future as a free and progressive nation.

We begin to repair that bond with a new understanding—a new understanding by students of the society in which they live, as well as a better understanding of students by their elders.

The distinguished senior Senator from Massachusetts has made a major contribution to this mutual understanding in an address delivered last night at Boston University. I ask unanimous consent that Senator KENNEDY's wise reflections be printed in the RECORD.

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

ADDRESS BY SENATOR EDWARD M. KENNEDY

I am honored to be with you this evening and to have the privilege of inaugurating this year's lecture series at Boston University.

We all know that every campus in every city, town and village across the country is apprehensive as the new academic year begins.

The events of last May, at home and abroad, are behind us, but not forgotten. The war continues.

The intensity of the public debate has lulled after the strenuous summer lobbying and the optimistic vote on the McGovern-Hatfield amendment. Many persons feel that we may be passing through the eye of the hurricane, with yet another round of unrest and disturbances to beseige us on the road ahead. The embattled university in Wisconsin has felt the murderous, senseless shock of a bomb heard round the country.

Public tolerance has been severely strained, and public indignation is clearly being played to by some political figures.

Everyone awaits the recommendations of the President's Commission on Campus Unrest. Everyone hopes that we are pulling back from the brink on which we have stood.

In the midst of this strife and of our deep concern over the future of our Nation, it is important to pause and note that in recent times, we have seen the system respond.

Changes, both great and small, can be directly attributed to the involvement of young people. They began in the McCarthy and Robert Kennedy campaigns of 1968. There the movement against the war was crystallized into hard political activity. Whether or not we are pleased with the rate of American withdrawal from Southeast Asia, it cannot be denied that American policy is now different.

Men and women have been elected to public office in the past two years, or will be this November, who would not have had a chance a few years ago. And men have been deprived of office by the strength of the new political vitality of the young and the concerned.

Surely, the rejection of Judge Haynesworth and Judge Carswell cannot be overlooked in measuring the responsiveness of our system.

I well recall the influx of thousands of young Americans into Washington following the invasion of Cambodia and the tragedies at Kent and Jackson.

I met with many of you in this audience on the steps of the Capitol, and together we discussed the war and the other great issues of our day. The progress we sought last spring can be measured in results this summer.

In areas like the debate on the Church-Cooper amendment and the McGovern-Hatfield amendment, the Senate clearly began to respond to the voice of the people. A President who resists a timetable to end the war was forced to set a timetable for withdrawal from Cambodia. Congressional investigators and a presidential commission have visited Kent and Jackson, and grand juries are still meeting.

So there is responsiveness to constructive pressure.

And, in another extremely important area, the American political system itself has reached out to embrace the young.

Last June, culminating more than a quarter century of debate in the Halls of Congress and throughout the Nation, Congress passed a historic statute lowering the voting age to 18 in all elections, Federal, State and local—thereby bringing your generation of Americans into the mainstream of the political process of the United States.

By lowering the voting age to 18, the Nation has passed another important milestone in our long march toward extending the franchise to all our people.

Not for fifty years—not since 1920, when the Constitution was amended to give the right to vote to women—have we taken a comparable step to broaden the base of our democracy and increase the responsiveness of our Government.

Last Thursday, in the United States District Court for the District of Columbia, I had the opportunity to participate in the oral arugment of the first judicial case testing the constitutionality of this statute.

Although there were some legal arguments raised against the bill in the course of the congressional debate, I believed then, and I continue to believe, that Congress had ample constitutional authority to lower the voting age by statute.

As a result, when the statute first goes into effect, millions of young Americans between the ages of 18 and 21 will be eligible to go to the polls for the first time, and thereby begin a lifetime of participation in the political process of America.

On January 1, the Supreme Court willing, they will have that right.

Whether they use it, and how they use it, is up to them. The answer will be part of the promise of this decade.

Yet, even beyond the potential of the

youth franchise, the opening year of the 70's has brought America's student population to another important fork in the road.

As we saw last May, and as we will see this fall, there are two clear choices for every student, every organization, and every campus.

They can choose destructive violence and physical coercion, rioting, burning, occupying, bombing, and trashing, at their schools and in the community.

Or they can choose concerted and constructive political action to restructure university governance, to change laws and policies at every level of government, to elect progressive officials in city halls and State houses, in Congress and in the White House.

In the past few years, and especially since May, some students have pursued each of these paths.

But so we are still at the fork in the road, because so many students have yet to choose their course.

And for most of those who have started on the road of violence, it is still not too late to reassess, restart, and turn the other way.

Let me state forcefully, briefly, and simply where I stand, for the hour is much too late for hedging, and the stakes much too high for equivocation.

There is no room, no role, no reason for violence at America's colleges and universities. Those who seek change by the threat or use of force must be identified and isolated, and subjected to the sanctions of the criminal law.

They are hijackers of the university, holding hostage its peace and tranquility, its students and faculty, its research and scholarship, to be ransomed for their particular demands.

And like hijackers, they must be deterred and repudiated, even—or especially—by those who may share their goals. Any person who lends them aid and comfort, any person who grants them sympathy and support, must share the burden of guilt.

For, like the Arab Commandos, the campus commandos can only operate if the environment allows them to.

I fully recognize that the apostles of force and destruction on campus are very few in number, and that the vast majority of students and faculty totally reject violence as a conscious tool of progress.

Yet there is a collective responsibility. It is partly real—to the extent that the few are followed, encouraged, and tolerated by their peers and teachers—and it is partly imagined by those in the public who lump all students together.

Surely the time has come to face these facts, and to face the other realities which student activism in all its forms has visited upon us all.

By their methods, their appearance, and their rhetoric, students have managed to obscure their noble goals in the public's consciousness, and to replace them with the issue of student unrest itself. Instead of being the medium for vital messages about society's ills, for ending war, racism, poverty and repression, the students on the campus are seen in the public eye as one of the principal ills in today's society.

Instead of producing leadership for new solutions to the Nation's problems, campus activists are producing fear and outrage and reaction.

They are pushing the public in the opposite political, philosophical, and social direction. For every American who blamed the National Guard for the killings at Kent State, there were two who thought the students were at fault. There are probably another two for whom the tragedy at Madison was the last straw.

Perhaps the force of public opinion is not, and should not be, enough alone to affect the young. But force of public opinion cannot be ignored, for its results are real and important. Because public opinion is focused on this new and complex problem of "campus unrest", students are convenient and welcome scapegoats.

Turmoil on the campus lends itself to the wildest and basest forms of political rhetoric. The kind of demagoguery we hear from our Vice President and others provides a thick smokescreen behind which some elements in our society can hide what they themselves are really doing to this Nation.

For those who pander to public emotion and perplexity at events on campus are also those who allow the war to continue, and who disorder our national priorities so that we invest in S.S.T.'s and A.B.M.'s instead of teachers for our children and health care for our sick.

And so, in large part because mainstream America is preoccupied with concern about the campus, we all suffer.

While the politicians of panic get their way, leaders with conscience and foresight find the institutions of power—and the public—less receptive and responsive to their programs, priorities, and values, perhaps partly because these are also shared by student America. Thus the deep problems of society go unsolved and short-sighted policies endure.

Moreover, as those who look backward are emboldened by the polarization between the community and the campus, and as those who look forward are resisted, the ones who really suffer most are the ones most in need; the working people who need more and better health care and public education; the unemployed who need training and jobs; the growing families who need housing; the elderly for whom inflation is a constant pickpocket; the union men and women whose sons are dying in Vietnam in larger numbers than any other group in society; and the poor—white, black, and Indian—who need help to lift themselves from deprivation and discrimination. They are the ones who are the real losers when "town" takes on "gown" on a national scale.

For students themselves, there are also some distressing signs of change. Two years ago you could go anywhere to canvass for candidates at election time. Now some candidates feel that student canvassers may be a liability, and the scope of their activities is being curtailed.

Students have become suspect. America is beginning to fear and blame them as a group, without making distinctions between those who seek violent change and those who seek peaceful change.

In many minds, a student is a radical, a radical is a revolutionary, and a revolutionary is a bomb thrower.

Students of all stripes thus suffer the pains of prejudice.

Their lives on campus have been changed. There is an aura of tension and control, instead of calm and freedom.

They have lost some of their natural allies in the university. Many professors feel that student activists are diluting the tradition of academic freedom and interrupting the scholarly and educational functions of the university, causing damage from within that rivals the potential damage from without.

Some students have also alienated most of those who could, and should, be the beneficiaries of their reform efforts—the salaried and hourly employees, the blue collar workers, the hard hats, the commission salesmen, the policemen and all the other middle Americans whose taxes are unbearably high, whose children go to overcrowded and underfunded public schools, whose sons went to war because they could not get deferments, who cannot afford B.U.'s $1700 tuition—let alone next year's $2,000—who can be wiped out by the costs of a major illness, whose automobile insurance and automobile repair costs are getting out of reach, who rely for their leisure on inadequate public park and recreation systems, who inhabit cities where pollution, traffic, utility service, and crime are daily challenges.

These are people who have very real and very immediate complaints about the system and its institutions, as you do, and if you succeed in making the system more responsive, it will respond to their needs as well as yours.

They are also the ones whom you must persuade if new national values and priorities and ideals are to be adopted. But the gap between them and the student is too wide now for these processes to go on.

The worker who could not go to college thinks students should be grateful that they can. He cannot understand why the privilege of college is being abused, why the opportunity is not being fully pursued, why the educational process, which can be the key to success, is being interfered with, and thus he has little respect for anything the activist student might have to say on any subject.

He is not prepared to accept the life-style of the students he sees on the streets of Beacon Hill, Back Bay, or Cambridge.

There is no basis for him to understand or empathize with the needs and drives which bring some young Americans to beards and long hair, beads and pot, and fringed vests and free love.

And so he turns off when the student speaks.

And the student not only loses a vital audience, and potential ally, but also gains an antagonist.

I need not remind you, as well, of the constant backlash from state and national legislators seeking to tie strings to funds and to legislate their own version of discipline on the campus. Or the backlash from alumni and boards of trustees, whose pressures all too often encourage the forces of repression.

That is a dismal picture, and I regret I have to paint it. But you are the ones who can brighten it.

If violence and interference with the rights of others are to be eliminated from the campus, then you yourselves, the vast majority of students, will have to take the lead. You must make clear that violence and coercive tactics are unacceptable.

It is not enough merely to *avoid* violence and interference with rights of others. The time has come to *do* something about it, to play an active role in calming the campus, and to do it with care, with thought, and with courage.

And you must analyze within your own groups whether you have become too narrow-minded in your commitment. Are you merely talking to and persuading those who already agree with you? Have you invested enough thought and time in broadening your appeal and seeking to convince your natural allies and your potential constituencies outside the campus? Or have you acted as though you don't believe outsiders can understand, as if only the college-educated, or the young, can truly identify with your underlying goals, and your immediate purposes?

Already the feeling is too widespread that students are out for a self-indulgent ego-trip, for adventure, for excitement, for a closed game of "how much self-satisfaction can I get?"

You must disprove that notion. You must communicate with others, persuade them, broaden your base of support and their base of hope. You must listen to the hard hat, the firemen, and the bus driver.

You must understand their problems, and not just vent your problems on them.

And you must measure your own priorities. If you are to persuade others, you must be able to reach out to them beyond your own life. Too often, the trappings and habits of youth preclude the opportunity for any contact whatever. It may be unjust and irra-

tional and maddening that the length of someone's hair should influence the effect of his discourse, but it is fact of today's life.

If you are going to move out beyond the campus, you have the choice:

You can maintain your lifestyle and appearance, and bear the double burden of persuading your listeners of the validity of both the medium and the message, with the risk that if you fail on the first, you get no chance on the second.

Or you can move right to the message, by sacrificing, at least temporarily, some of the trappings that antagonize others.

It is simply a matter of priorities. How important is it to you that your message get through? How much time and energy do you want to spend convincing people that students with beards are really normal citizens, before you can start convincing them that the war and other abuses in society are immoral?

And finally, I think it is vital to realize that successful political action involves changing institutions not only from the outside but from the inside as well.

There are many public service functions where direct participation by America's youth could not only revitalize the institutions, but also help produce the generational dialogue and understanding which the Nation needs so badly.

In our hospitals and health centers, in our city and county governments, in our police departments and criminal justice agencies, in poverty programs and educational systems, the problems of our society can be exposed to daylight. They can be confronted and attacked.

These areas are the front lines, where actions have direct and measurable results, where hard work can bring personal gratification and social contribution at the same time.

For surely there is a clear element of snobbery in constant criticism of institutions and agencies without any willingness to enter them and see if a better job can be done.

Dissent, like so many things in the America of 1970, has become too comfortable.

It takes 5 minutes to draw the letters on a protest sign, but it takes a lifetime of dedicated service to make a contribution to society.

In the decade of the sixties, students in North and South joined together to awaken the Nation's conscience.

A generation of freedom rides, sit-ins, and voter registration helped to launch the drive to banish racism from our social structure.

Those who came before you in recent years were the first to call attention to the critical moral issue of our day, our participation in the Vietnam war.

As troop levels and bombing raids began to escalate, it was the academic community which first raised the voice of protest, which first questioned the validity of our means and ends in Vietnam, and which began to transform the nature of all our international commitments.

In hundreds of respects, our students of the past have made vital and lasting contributions to the quality of our life.

What difference will you make? What challenge will you meet? What burden will you carry? What service will you give? Will it be enough to shout your protest, or will you also help the rest of us to bring your dreams to life?

A man of Massachusetts, one of the greatest prophets in the history of our Nation, put this thought very simply, in words as timely now as they were on Memorial Day in 1884:

It was Justice Oliver Wendell Holmes who said:

"As life is action and passion, it is required of a man that he should share the passion and action of his time, at peril of being judged not to have lived."

Indeed, we are in a time of change, of new problems, and new answers. You must help your university to remain a place of scholarship and learning, a place of growth and wisdom, a springboard for new ideas and new ways.

It is you and millions like you around the country who will determine how your university and your Nation will continue to exist. The responsibility is yours. I hope you will bear it well.

OUR SLUGGISH ARMY NEEDS DRASTIC REFORM

Mr. YOUNG of Ohio. Mr. President, in the editorial section of the Washington Post, on September 13, was published a most informative and penetrating article written by former lieutenant colonel of the U.S. Army Edward L. King. This article is important, and is a factually correct assessment of what is wrong with our Army, and in particular as to what is wrong with the topmost generals and other officers from the Joint Chiefs of Staff down.

Lieutenant Colonel King, the author, who had requested retirement last year because of his opposition to our involvement in Southeast Asia and doubtless for other very valid reasons set forth in his statement, served overseas in the Korean war. Recently, before his voluntary retirement, he was with the Office of the Joint Chiefs of Staff at the Pentagon.

Mr. President, I hope that millions of Americans, including Members of Congress, our GI's and officers and men now serving in our Armed Forces, particularly the draftees, read this article, entitled "Sluggish Army Needs Drastic Reform."

Mr. President, I ask unanimous consent to have this article printed at this point in the RECORD.

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

SLUGGISH ARMY NEEDS DRASTIC REFORM

(By Edward L. King)

The United States Army needs reform. One aspect of this need has been examined by the President's commission to establish an all-volunteer armed force, and public debate about reform has focused almost exclusively on the volunteer army.

But little critical thinking has been devoted to two other areas crying—so far, in the wilderness—for public attention: the officer corps and the armed services' organization. If both of these are ignored, the U.S. Army will continue to be badly led and badly organized, regardless of whether the enlisted men are volunteers or draftees.

For roughly the last 15 years, the quality of military leadership has been declining. The deterioration has been all too vividly revealed by the Vietnam war. The Army developed the concepts of "limited brushfire wars" and counterinsurgency to ensure a military component for the international political realities of the late 1950s and early 1960s. These doctrines found natural application in Vietnam. That conflict began as a counterinsurgency situation that quickly grew into a "brushfire" war with the Green Berets as the limited warriors.

But they couldn't win, and the Army was forced into a crash program in 1964 to form an air mobile division—the First Air Cavalry Division—which was essentially a forerunner for largescale conventional war. The Air Cavalary was unable to stop the "brushfire," so the buildup of standard infantry divisions began and Vietnam became a small-scale replica of World War II—hardly what the limited war proponents had sold to Presidents Kennedy and Johnson.

A further deception in Army thinking is the oft repeated assertion by high-ranking officers that political, not military, constraints have inhibited the Army's success in Vietnam. Yet the limited war concept itself is sharply restricted to achieving specific tactical objectives within a narrowly defined geographic area. It would not include offensive operations such as attacking across the DMZ, bombing Haiphong or invading Cambodia.

Vietnam has revealed the limited war concept for what it really is—a mercenary expedient to assure military participation in international affairs, and the money to go with it, without any meaningful adjustment in large war force structures or any relationship to contemporary political priorities.

In short, the Army first urged and now perpetuates the war for its own parochial internal purposes, with little sense of national responsibility. And from a purely military viewpoint, the command of our forces in Southeast Asia has been egregiously mismanaged because it has been guided by the wish to maximize career opportunities for senior officers rather than maximize the effectiveness of our forces.

TOLERABLE CASUALTIES

For example, a single combat command assignment is today an unwritten prerequisite for promotion from colonel to brigadier general, and additional such assignments are virtual guarantees of further rapid promotion. To accommodate the eagerness for promotion, combat command assignments are rotated every six months. This results in more promotions for career officers. It also means that combat in Vietnam is generally led by green officers inexperienced in local battlefield command, in the past tactics and characteristics of the enemy's troops, in the experience and ability of their own troops and in the climate and terrain over which they must fight.

Under such circumstances, it is virtually inevitable that more promotions for eager commanders would be accompanied by more dead enlisted soldiers than would have been the case had the Army been given stable, experienced combat leadership at all levels as a matter of policy. But the casualties of such a policy would have been career improvements for hundreds of officers. In the eyes of today's general officers, such casualties are less tolerable than the lives of soldiers who died in superfluous agony.

The situation has grown unchecked because of complete internal conformity; deviating from the Army party line is discouraged and punished. Internal criticism and disagreement are nonexistent. And needless to say, the reprisals against criticism in public are swift and vigorous. Consequently, the uniform face put on for the public and Congress by the Army's officer corps is not that of healthy consensus but of strict and sterile convention.

The futility of the war and the personal self-interest of most commanding officers have not been lost on lower ranking junior officers and GIs. Many continue to serve and toe an undeviating line out of fear of court-martial and jail or because of a strong desire not to let their buddies down. Officers remain silent and seek promotions in the only way available because they, like other men, have home mortgages to pay, children to send to college and higher paid retirement to anticipate.

Yet the doubts are growing daily, particularly among younger officers. Among these young men, service to the nation and their subordinates, and dedication to justice, individual dignity and self-respect, would be more appealing attributes of military life than service to their own careers first and to the existing system a close second.

It is difficult to imagine that bitterness

that is beginning to permeate the lower enlisted and officer ranks of the Army or the creeping paranoia against the press, TV, politicians and liberal segments of our society that afflicts the senior ranks. Such conditions, if left unattended, pose a serious danger to the future of the republic.

TOO MUCH SUPPORT

Not only is the Army badly led, it is badly structured. For example, in Europe approximately 200,000 Army troops include only about 85,000 actual combat troops. There is no valid military reason why these 85,000 combat soldiers could not be adequately commanded and supplied by an additional 65,000 men. Thus, either the total force of 200,000 could be cut by 50,000 troops or that total should contain a much higher proportion of combat elements.

Since the mid '50s, the proportion of noncombat manpower has been growing. In Vietnam it has required an Army force of over 400,000 men to provide 100,000 actual combat troops. The present "combat slice" (the percentage of troops available actually to fire on the enemy) is under 40 per cent for all Army units. This compares unfavorably to the 60 per cent combat slice of the Soviet army and 70 per cent combat slice of the North Vietnamese army.

Only a fraction of the vastly increased support forces are required by the new military technology. Most are merely the baggage that go along with sending the Army "first-class" and with the proliferation of headquarters commands which do nothing more than pass orders to lower commands and provide slots for general officers and their retinues. The present U.S. Army is a dragon with a huge tail and tiny teeth.

The implications of this situation are several. First, economically, the U.S. Army is far too expensive compared to its combat potential. In Western Europe, for example, at least two and probably three senior command levels between the Pentagon and the combat commanders could be eliminated. These headquarters contribute little to military effectiveness.

Second, tactically, the dragon is reasonably mobile and can travel in the luxury to which it has become accustomed only when it has absolute air superiority. Yet in Western Europe, it is not assumed that the Air Force will have absolute air superiority.

Third, strategically, when only limited conventional combat forces are available against superior conventional forces in Eastern Europe and the Soviet Union, greater motivation exists for U.S. forces to resort quickly to first use of nuclear weapons with the inherent danger of nuclear escalation rather than flexible response to aggression.

The foregoing implications are, of course, mere suggestions of the need for a hard look at the organization of the U.S. Army and the military unified and specified staff concepts. Resistance to that hard look comes from career officers who feel that they personally have nothing to gain from a restructuring of the Army and considerable to protect by perpetuating the system that provides comfortably for professional advancement and retirement.

SECOND-RATE SCHOOLING

Reforming the Army is not a contradiction in terms, but it does pose obvious obstacles of entrenched service and congressional attitudes and habitual bureaucratic inertia, as well as the added problem that any criticism of the military is characterized by some as patriotically suspect if not quasitreasonable.

Nevertheless, the obstacle course and the risk of obscurantist slander must be run. To improve leadership:

Better education. The service academies are in fact only engineering schools and, on the basis of faculties and curricula, second-rate ones at that. They and the career officer training schools need improved and broadened curricula and more civilian instructors. Now is the time to establish national priorities clearly and to emphasize that military service is a way of providing national service and not a personal end in itself.

Internal dissent and debate must be encouraged; public comment by military men on matters of ordinary concern to citizens should be restrained only when substantive evidence exists that such comment seriously prejudices true order and discipline of the Army.

The Uniform Code of Military Justice should be revised to bring it more in accord with accepted principles of justice. Court-martial should not be used in lieu of leadership, as was the case at the Presidio of San Francisco. The rights of the soldier must be better protected.

Nondiscriminatory promotions. Promotions should be made solely because of demonstrated merit and ability, without regard to source of commission (e.g., West Point, ROTC, OCS), component of service (regular, reserve), family background, race or religion. Discrimination on all these grounds now exists.

A less conformity-conscious rating system. Efficiency report ratings should be more oriented to demonstrated and potential ability and less weighted by the opinion of one individual on whether or not an officer is constantly conforming to the wishes of that individual.

Civilian surveillance. Civilian leaders, especially in the Pentagon and White House, must unceasingly seek out and reward officers who lead by their personal example and performance of duty rather than by force of rank. The service secretaries should be men with experience in military affairs, but with unquestioned independence. (This requirement should not exclude former military men from serving in civilian capacities. Examples: Gen. James Gavin could probably be a more effective civilian Secretary of the Army than most civilians. President Eisenhower probably better preserved civilian control over the armed forces than any other recent president.)

To improve organization:

Tough civilian leadership. Even though many officers would welcome a more streamlined and austere Army, they will certainly not succeed in achieving it unless supported by vigorous congressional and executive action.

Reduction in noncombat forces. Western Europe provides obvious examples, but the continental U.S. command structure could be greatly reduced without the slightest reduction in preparedness or effectiveness. Present top-heavy unified command structures and unproductive specified commands must be reduced in accord with changing national priorities.

To reform is to prosper. Yet the armed services show few signs of reform vitality. This state of affairs is beginning to be appreciated by the public through the dark glass of recent history: vast overspending on the C–5A, ill-fated defense systems such as the F–111 and the Cheyenne Helicopter, the cover-up of Mylai, the Green Beret murder accusations, the legal "overkill" of courts-martial at Ft. Jackson, Ft. Dix and the Presidio, and the apparent futility and questionable judgment of such bloody incidents as the Hamburger Hill assault (for which the commander was rewarded with a third star and a choice job with the Joint Chiefs of Staff.)

These are now in the public domain and have disillusioned and alienated much of the civilian community. But what is not yet at public issue is the inflexibility, shortsightedness and selfishness within the armed services which have allowed these incidents to occur.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for approximately 7 minutes.

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

SENATE LEGISLATIVE ACHIEVEMENTS: "A CALL FOR COOPERATION"

Mr. MANSFIELD. Mr. President, under the heading "A Call for Cooperation," the President last Friday transmitted a message to the Senate. With it he takes Congress to task for apparently failing to attend fully to what he defines as his legislative program. I have read through this message and I am somewhat puzzled. I am puzzled first of all because—at least as far as the Senate is concerned—just about every single item mentioned by the President has been, is now being, or will soon be, considered and disposed of on the merits.

Indeed, the only explanation for such a message is that it has arrived on the eve of campaign time—not an unusual time and not an unusual ploy. It has been a tactic employed by many Presidents. It is thus a message that should have been anticipated. But even if this is a document aimed at the Senate, it misses the mark by a wide margin. Whatever may be the reasons for criticizing the U.S. Senate, attention to the legislated items mentioned in this message is not one. Many of these items were initiated right here in the Senate and only later were embraced by the administration. All or nearly all of them have been, or soon will be, considered. Some will no doubt be rejected as unfeasible or poorly conceived. Some will be changed drastically to do the job intended. And it is true that some—such as the National Institute for Education proposal—simply cannot be considered at all. Many reasons apply. In the case of this education measure, it is because the administration fired its education chief on the eve of Senate hearings. No successor has been named, and therefore hearings would be futile with no administration spokesman.

What is apparent from this message is that is does not reflect the record, at least the record as far as the Senate is concerned. Speaking on behalf of the Senate, the only way to correct the record at this time, would be to take the proposals cited, item by item, and recall the action taken by the Senate.

Under the caption "Reforming the Institutions of the Past," for example, the message mentions the Tax Reform Act, the Economic Opportunity Act, and the Postal Reorganization Act. All of these measures were considered by the Senate. All passed the Senate. Each, as I recall, was initiated right here in Congress, and it was only later that the proposal was embraced by the administration. Most notable among them, perhaps, was the reform of our income tax laws. With this action, Congress—and especially the Senate—acting on its own initiative, rewrote the tax laws to provide more equity and a greater distribution of the overall

tax burden for the benefit of the lower- and middle-income groups.

Draft reform is then cited in the message. Of course, the reform of our draft was undertaken by Executive order with the institution of the lottery system. The President should be commended for that first step. But when his own proposal for a volunteer army was under consideration in the Senate as an amendment to the military authorization bill, the administration opposed it. It called for delay and urged rejection. I, along with many of my colleagues on this side of the aisle, as well as the other, supported the President on that occasion. Members of his own party in the Senate sought to defeat his volunteer proposal. Strangely missing in this reference to the military field were the cold war GI bill benefits initiated by Congress; and, even more important, the whole attitude of Congress toward military expenditures. For example, it was Congress that cut so severely the administration's requests for military spending in order to provide more money for the poor, for environmental needs, for urban problems, and for education.

Reform of the welfare system is mentioned prominantly, and of course, the family assistance proposal backed so strongly by the President is on the Senate's schedule to be considered, hopefully, later this month. I, personally, may have doubts about some of the reforms he suggests, but the President is to be greatly commended for his tenacity regarding this measure. Particularly gratifying were his special efforts to get the approval of key Members of his own party who for so long have been blocking consideration of the measure.

The food stamp proposal has passed the Senate, as have all of the major health proposals. The measure that would provide revenue sharing with the States is one of those bills which the Constitution requires the House to originate. If and when such a proposal is received in the Senate, it will be considered—and expeditiously.

Manpower training is on the Senate schedule and will be considered this week. It should be pointed out, however, that this is a far different proposal from that suggested by the President. By contrast, this measure goes a long way to solve the unemployment crisis that is now facing this Nation by creating an additional 300,000 jobs. Also scheduled are the social security amendments.

The electoral reform proposal is now pending. As for the District of Columbia, Congress has gone at least part of the way with the adoption of the delegate measure. There is talk that a constitutional amendment proposal to provide for elected representatives may be offered later this month. There is no telling what will be received from the other body in the way of foreign trade proposals. If and when they arrive in the Senate, they will be given consideration.

The Merchant Marine Act amendments are on the Senate schedule for action next week.

When the message speaks of unacted upon crime proposals, it does not refer to the Senate's record. On the matter of crime, I need only reiterate what I have stated so often in the past. The Senate has passed all but one major administration crime, drug and obscenity bills plus several that it originated itself.

With regard to education, the President should be advised of the fact that none of the ongoing education programs expire until next year. The Education Subcommittee is now considering 14 higher education proposals, only one of which was submitted by the administration. Many hearings have been held already and more expected. Many of the education experts who have testified have felt that the administration's proposals are neither practical nor feasible. On the matter of the emergency school aid program, I recall that the Senate appropriated $75 million for such a program during the fiscal year 1971. It included Senate-written guidelines as well. To state again for the record, hearings were scheduled on the National Institute for Education proposal. They subsequently had to be cancelled because the administration's Commissioner of Education was asked to resign. There has since been no new Commissioner of Education appointed to fill this vacancy; and without an Education Chief in the Nation, it is felt that any further efforts to hold hearings on the bill would be futile.

The deemphasis given education by the administration was best demonstrated with the vetoes of two educational bills. It is no wonder then that this message failed to mention the outstanding record this Congress has compiled in the education area. It produced the Elementary and Secondary Education Act amendments of 1969, the Emergency Student Loan Act of 1969, the National Center of Educational Media for the Handicapped, the National Commission on Libraries and Information Sciences, and the National Foundation of the Arts and Humanities Act amendments. And that is only part of the record. Ready for action is the environmental quality education proposal and the library services and construction amendments.

In the area of urban affairs the Senate has passed the Urban Mass Transportation Assistance Act and the Housing and Urban Development amendments are scheduled for Senate action. The Senate has passed or is scheduled to act on every proposal in the consumer area, including the Consumer Protection Act, the Consumer Warranty Act, and the Consumer Representation Act. All delays in this most important area were requested by the administration. It should be pointed out as well that the warranty measure has already passed and was a Senate-initiated proposal. Indeed, it was far more comprehensive than the proposal submitted by the administration.

With regard to the environment, again the Senate record is truly outstanding. Not only have each of the proposals cited been disposed of or scheduled, but the Senate on its own has added a good many. It is surprising that the message even mentions this area since it has been the Senate which has taken the leadership in this field. It is recalled that the administration requested only nominal, if any, funds to finance municipal waste treatment facilities. There is a vital need for these facilities today. We are told that drinking water in parts of the land is severely threatened. The Senate saw to it that upward of $300 million was made available.

Of its air pollution record alone, the Senate may be particularly proud. It strengthened greatly the President's proposal; most notably by requiring fully clean cars by the year 1975.

As for oil pollution, the Congress provided rigid standards. Tragically, those standards would be weakened by the treaties that the President has transmitted to the Congress for ratification. I hope the Senate will withhold the ratification of any treaty that would make it easier to contaminate further any ocean, river, or lake waters.

The reference to the Federal oil leases in the Santa Barbara Channel is also a matter of great controversy. Certainly the goal of terminating these leases is most desirable; but not at the expense of giving away valuable Federal resources.

As for Indian legislation, public broadcasting, the stockpile proposals, those measures have been acted upon. The one-bank holding company measure is scheduled this week and consideration of the farm bill begins this evening. Each revenue-producing measure that is pending in the Senate will be acted upon. To repeat, however, under the Constitution, the House is required to act first on all such proposals.

Finally, I would only refer to the list of all measures passed by the Senate during this session of the Congress. I submitted that list for printing in the RECORD on September 1. It shows that, as of that date, the Senate passed 535 measures this session; 200 of those have been signed into law. There have been five treaties ratified.

Mr. President, I ask unanimous consent that the list, updated, be printed in the RECORD at the conclusion of my remarks. It is there for all to read. It is the record of the Senate for this session of the Congress. It is an outstanding record. One for which we may all be proud—both Democrats and Republicans in this body. One for which the American people may be proud. One for which the President may be proud.

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

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, we have cooperated and we will continue to cooperate with the President because we think the Republic must come first—and must come first at all times.

EXHIBIT 1

SENATE LEGISLATIVE ACTIVITY, 91ST CONGRESS, 2D SESSION

(By Senate Democratic Policy Committee)

Symbols: P/H, Passed House; P/S, Passed Senate.

Following is a brief summary of major Senate activity:

AGRICULTURE

Apple marketing orders.—Extended to apples those provisions of the marketing law which now authorize paid advertising to be provided for in marketing orders for cherries, carrots, citrus fruits, onions, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, olives, pecans, and avocados. Public Law 91-363.

Conservation and development projects.—

Authorized the Secretary of Agriculture to bear part of the cost of installing public fish and wildlife or recreational developments in so-called resource conservation and development projects but not to exceed one-half the cost of the land and minimum basic public facilities needed in connection with such development. Public Law 91-343.

Custom slaughtering.—Amended the Federal Meat Inspection Act to permit custom slaughterers to engage in buying and selling meat and meat food products without losing their exemption as custom slaughterers; exempted from inspection requirements the custom preparation for the use of the owners and their households of carcasses and parts of carcasses of (i) cattle, sheep, swine and goats slaughtered by their producers, and (ii) game animals; and permitted the Secretary of Agriculture to exempt custom slaughtering and processing performed by an inspected establishment. Public Law 91-342.

Dairy products donation.—Amended the Agriculture Act of 1949 to provide that dairy products acquired by the Commodity Credit Corporation through price support operations may be donated, prior to any other disposition, for use in the United States in nonprofit school lunch and other non-profit child feeding programs, in the assistance of needy persons, and in charitable institutions, including hospitals. Public Law 91-233.

Egg Products Inspection Act.—Prohibits the distribution of unwholesome shell eggs or their use in food products and makes mandatory continuous inspection of egg product processing plants; applies regulatory provisions to intrastate as well as interstate and foreign commerce; provides for specific exemptions, identification of egg products not intended for human food, recordkeeping, and Federal-State cooperation; prohibits States from imposing requirements conflicting with the act or certain other Federal laws; requires imports to meet the same requirements as domestic products; makes the cost of inspection, with certain exceptions, a Federal Government expense, at an estimated cost of about $5 million annually; and prescribes penalties for violations under the act. S. 2116. P/S 2/2/70.

Emergency assistance to provide nutritious meals to needy children.—Amended the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children not now being reached; authorized the Secretary of Agriculture to use $30 million of funds from Section 32 of the Act of August 24, 1935, to supplement funds heretofore made available to carry out programs during the fiscal year 1970 to improve the nutrition of needy children in public and nonprofit private schools participating in the National School Lunch Program under this Act or the school breakfast program under the Child Nutrition Act of 1966. Public Law 91-207.

Guam agricultural services.—Continues through June 30, 1975, authority for the Secretary of Agriculture to maintain an agricultural program in Guam, which authority expired September 7, 1969. S. 2991. P/S 5/11/70.

Hawaiian papayas—advertising.—Amended the Agricultural Marketing Agreement Act of 1937 to add Hawaiian papayas to the list of commodities for which paid advertising can be provided for in marketing orders. Public Law 91-384.

International animal quarantine station.—Authorized the Secretary of Agriculture to establish an international animal quarantine station within the territory of the United States, through which animals may be moved from any foreign country into this country to make it possible to improve livestock breeds; provided measures to prevent the introduction of and dissemination within this country of livestock or poultry disease or pests; and set penalties applicable to the bringing in of animals to the station or subsequent movement of animals therefrom to other parts of the United States contrary to regulations to be issued by the Secretary of Agriculture. Public Law 91-239.

Production research.—Amended the Agricultural Marketing Agreement Act to authorize inclusion in marketing orders for commodities other than milk of provisions for production research supported by handler assessments and to make such research and development projects as now authorized by the Act, a purpose of the Act. Public Law 91-292.

Rural telephone bank.—Creates a Rural Telephone Bank to provide supplemental financing for rural telephone systems and provides that the rural telephone account is to consist of such net collections from the 2-percent telephone loan program received after July 1, 1968, as may be necessary to provide for the Government's investment in the Bank. S. 3387. P/S 4/2/70. H.R. 7. H. Cal.

School lunch and child nutrition amendments.—Improved and revised the child feeding programs conducted under the National School Lunch Act and the Child Nutrition Act of 1966 to provide better child feeding operations reaching all children, particularly the poor. The bill provided: authorization of appropriations 1 year in advance; school lunch apportionment based on lunches served 2 years prior; apportionment of nonfood assistance based on need; nutritional training and education and studies of food service requirements; direct distribution of foods to schools and service institutions; matching requirements (beginning at 4 percent and rising to 10 percent); free and reduced price (not more than 20 cents) lunch for any public school child in a household which has an income below the poverty level, determined by the Secretary of Agriculture; publicly announced policies regarding free or reduced price lunches; no overt identification of children receiving free or reduced cost meals; apportionment of funds to States based on the number of children aged 3 to 17 in households with incomes of less than $4,000 per year and to schools on the basis of need; Federal funding of 100 percent of the program costs; annual plans describing the proposed extended State lunch program; semi-annual estimates of eligible children; monthly reports of the numbers receiving free lunches and reduced price lunches; special developmental projects; a National Advisory Council on Child Nutrition; an increased appropriation authorization for fiscal 1971 for the breakfast program (from $12 million to $25 million); and other changes. Public Law 91-248.

Special milk program extension.—Permanently extended the authority for the special milk program which would expire June 30, 1970, at the current authorization level of $120 million. Public Law 91-295.

Tobacco allotments.—Made permanent the authority for leasing of tobacco acreage allotments as provided by section 316 of the Agricultural Adjustment Act of 1938; subjected such leasing to the discretion of the Secretary of Agriculture and to a determination by him that it will not impair the operation of the marketing quota or price support program; provided for extension of such leasing authority; excepted specified tobaccos from section 316; and extended the maximum duration of leases to 5 years. Public Law 91-284.

Tomato advertising.—Amends the Agricultural Adjustment Act to add tomatoes to the list of commodities for which paid advertising can be provided in promotional programs under marketing orders. S. 1862. P/S 1/3/70.

Wheat referendum deferral.—Permitted the wheat marketing quota referendum for the 1971 crop to be deferred until the earlier of October 15, or 30 days after the adjournment of Congress. Public Law 91-348.

APPROPRIATIONS: 1970

Continuing appropriations

Continued appropriations through February 28, 1970. Public Law 91-193.

Made further continuing appropriations for the fiscal year 1970 to provide for authorized salary and compensation payments provided for in the Second Supplemental Appropriations Act, 1970. Public Law 91-257.

Foreign aid.—Appropriated a total of $2,502,413,000 for foreign assistance and related agencies. Public Law 91-194.

Labor-HEW.—Appropriated a total of $19,747,153,200 for the Departments of Labor and Health, Education, and Welfare, and related agencies. H.R. 13111. President vetoed 1/26/70. House sustained veto 1/28/70.

Labor-HEW.—Appropriated a total of $19,381,920,200 for the Departments of Labor and Health, Education and Welfare, and related agencies. Public Law 91-204.

Second supplemental.—Appropriated $6,021,535,005 for the fiscal year ending June 30, 1970, for various program supplementals, pay increase costs due to comparability adjustments and resulting from the enactment of the Federal Employees Salary Act of 1970; and revised the ceiling on 1970 budget outlays. Public Law 91-305.

1971

Agriculture.—Appropriated a total of $8,475,935,100 for the Department of Agriculture and related agencies. H.R. 17923. P/H 6/9/70. P/S amended 7/9/70.

Continuing appropriations

Continued appropriations through July 31, 1970. Public Law 91-294.

Continued appropriations through October 15, 1970. Public Law 91-370.

District of Columbia.—Appropriated a total of $636,118,200 for the District of Columbia. The appropriated Federal payment is $108,938,000. Public Law 91-337.

Education.—Appropriated a total of $4,420,145,000 for the Office of Education. Public Law 91-380. Congress overrode Presidential veto.

Independent Offices—Housing and Urban Development.—Appropriated a total of $18,655,019,500 for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development. H.R. 17548. President vetoed 8/11/70. House sustained veto 8/13/70.

Interior.—$2,028,524,700 grand total, new budget (obligational) authority and appropriations to liquidate contract authority. Public Law 91-361.

Legislative.—Appropriated a total of $413,054,220 for the Legislative Branch. Public Law 91-382.

Public Works—Atomic Energy Commission.—Appropriates a total of $5,258,695,000 for public works for water, pollution control, and power development and the Atomic Energy Commission. H.R. 18127. P/H 6/24/70. P/S amended 8/24/70.

State, Justice, Commerce, the Judiciary, and Related Agencies.—Appropriates a total of $3,122,080,500 in new budget (obligational) authority for the fiscal year 1971. H.R. 17575. P/H 5/14/70. P/S amended 8/24/70. In conference.

Treasury, Post Office, and Executive Office.—Appropriates $9,537,429,000 for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies. H.R. 16900. P/H/4/13/70. P/S amended 9/1/70. In conference.

Atomic Energy

Atomic Energy Commission authorization, 1971.—Authorized appropriations of $2,290,907,000 for fiscal year 1971 ($2,013,307,000 for operating expenses and $277,600,000 for plant and capital equipment). Public Law 91-273.

Western Interstate Nuclear Compact.—Gives congressional consent and approval to a compact between the States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming to enter the western interstate nuclear compact. S. 1628. P/S 6/26/70.

Congress

Library of Congress—James Madison Memorial Building.—Increased from $75 million to $90 million the authorization contained in the Act of 1965 providing for the construction of the third Library of Congress Building to be known as the James Madison Memorial Building and provided that nothing in the Act shall be construed to authorize the use of the building for general office building purposes. Public Law 91–214.

Library of Congress—Office equipment and furniture.—Transferred from the Architect of the Capitol to the Librarian of Congress the authority to purchase office equipment and furniture for the Library of Congress. Public Law 91–280.

Library of Congress security.—Extended the present authority of the Library of Congress for policing the Library of Congress buildings to embrace the rental space it utilizes at certain other locations in Washington, D.C. Public Law 91–281.

Senate office space.—Authorizes the Architect of the Capitol to acquire on behalf of the United States, the Plaza Hotel property in square 724 in the District of Columbia to be held to meet future office needs of the Senate. S. 3594. P/S 5/21/70.

Crime

Controlled Dangerous Substances Act.—Authorizes Federal regulation and control over defined "controlled dangerous substances" to help manage the drug abuse problem and criminal traffic in drugs on the international, national and State levels and repeals essentially all of the existing narcotic and dangerous drug laws. The bill vests authority for control of the enumerated substances with the Attorney General and requires that he seek advice from the Secretary of Health, Education, and Welfare and from the newly-established Scientific Advisory Committee concerning certain matters; establishes criteria for the control and classification of drugs into several schedules based largely on the degree of their abuse potential, known effect, harmfulness and level of accepted medical use; provides requirements for registration of persons involved in the manufacture, distribution, and dispensing of controlled drugs; controls and restricts importation and exportation of controlled dangerous substances; designates offenses and penalties for unlawful manufacture, distribution, dispensing, possession with intent to manufacture, distribute, or dispense, importation, exportation, and simple possession of controlled dangerous substances, and eliminates mandatory minimum penalties for all violations except for a newly-created and defined class of professional criminals involved mainly in the distribution, sale and importation of controlled dangerous substances; vests enforcement personnel of the Bureau of Narcotics and Dangerous Drugs with broader enforcement powers; provides, under certain conditions, for "no knock" search warrants for felonious violations; authorizes the appointment of a Committee on Marihuana to conduct a study on all aspects of marihuana use and also establishes a Committee on Nongovernmental Drug Abuse Prevention; authorizes the appropriation of sums necessary to carry out the Act; and specifies the date the act shall take effect. S. 3246. P/S 1/28/70.

Criminal Justice Act Amendments.—Amends the Criminal Justice Act of 1964 (relating to representation of defendants financially unable to obtain an adequate defense in criminal cases in United States courts), by expanding its coverage from the arrest stage to appeals, post-conviction proceedings, and ancillary proceedings related to the criminal trial; provides for the creation of Federal defender offices operating under the guidance of the district and appellate courts, but independent of both the Federal judicial and prosecution systems; increases the hourly rate to $30 an hour and the total compensation limits available to attorneys providing representation; and changes various other provisions to improve the operation of the Act. S. 1461. P/S 4/30/70.

Executive Protective Service.—Changed the name of the White House Police force to the Executive Protective Service; placed the force under the direction of the Director of the U.S. Secret Service; increased the scope of the Protective Service's duties to include protection of foreign diplomatic missions located in the metropolitan area of the District of Columbia and such other areas of the United States, its territories, and possessions, as the President, on a case-by-case basis, may direct; and provided that the size of the new Executive Protective Service may consist of up to 850 members. Public Law 91–217.

Organized Crime Control Act.—Embodies a comprehensive, integrated program designed to deal with the menace of organized crime in the United States. Establishes, in addition to regular grand juries, special grand juries to sit in major population areas or elsewhere by designation of the Attorney General; unifies and expands existing Federal law dealing with the granting of immunity from self-incrimination in legislative, administrative, and court proceedings; deals with recalcitrant witnesses; creates a new false declaration provision applicable in grand jury and court proceedings; authorizes the Attorney General to protect and maintain Federal or State organized crime witnesses and their families; authorizes, subject to constitutional safeguards, the taking of depositions in criminal cases; provides a statute of limitations on determining the derivative evidentiary consequences of law enforcement conduct; respecting syndicated gambling—contains special findings dealing with the effect of such gambling on interstate commerce, makes it unlawful to engage in a scheme to obstruct the enforcement of State law to facilitate an "illegal gambling business," as defined, or to engage in the operation of such a business, and provides penalties for violations, as well as providing electronic surveillance in aid of enforcement of the prohibited "business" activities; establishes, effective in 2 years, a Presidential Commission to conduct a comprehensive review of present Federal and State gambling law enforcement policies and their alternatives; makes unlawful certain "racketeering activity" and provides penalties for violations; and provides for increased sentencing (up to 30 years) for defined dangerous adult special offenders. S. 30. P/S 1/23/70.

Defense

Civil Defense Act.—Amended the Federal Civil Defense Act of 1950 to extend from June 30, 1970, to June 30, 1974, the President's standby authority to deal with the effects of an enemy attack upon this Nation. Public Law 91–299.

Coast Guard Authorization, 1971.—Authorized appropriations of $100 million for the Coast Guard for fiscal year 1971 ($62,295,000 for vessels, $12,865,000 for aircraft, and $24,840,000 for shore facilities and aids to navigation and pollution control equipment). Public Law 91–261.

Coast Guard Officers—Interservice transfers.—Placed the Coast Guard on the same parity as their counterparts in the military departments by providing that the Coast Guard officers be included within the stipulation that the President may, within authorized strengths, transfer any commissioned officer with his consent from his service branch to, and appoint him in, another service branch. Public Law 91–392.

Coast Guard Omnibus.—Revised titles 14, 10 and 37 of the United States Code to make more uniform the laws relating to the Coast Guard and the other Armed Forces. Public Law 91–278.

Coast Guard Reserve laws.—Modified the law affecting the Coast Guard Reserve, the modifications generally not only being designed to meet the particular problems of the Coast Guard, but also to conform more closely to practices obtaining in the other Armed Services. H.R. 13716. Public Law 91– .

Command of the U.S.S. "Constitution" by retired U.S. Navy officers.—Permitted a retired officer of the U.S. Navy to command the U.S.S. "Constitution," a historic naval vessel maintained "in commission, active status," and permanently berthed at the Boston Naval Shipyard. Public Law 91–394.

Defense Production Act extensions.—(See Economy and Finance)

Disposals from national and supplemental stockpiles.—Authorized disposal from the national and supplemental stockpiles of various materials, as follows:

Asbestos.—Chrysotile, 2,844 short tons. Public Law 91–329.

Bauxite.—Surinam-type metallurgical grade, 2,600,000 long dry tons. Public Law 91–326.

Bismuth.—300,000 pounds. Public Law 91–318.

Cadmium.—4,180,000 pounds. Public Law 91–314.

Castor oil.—18,500,000 pounds. Public Law 91–319.

Chromite.—Refractory grade, 826,000 short dry tons. Public Law 91–328.

Cobalt.—40,200,000 pounds. Public Law 91–317.

Corundum.—1,952 short tons. Public Law 91–330.

Fluorspar.—Acid grade, 212,637 short dry tons. Public Law 91–320.

Graphite.—Natural Ceylon amorphous lump, 386 short tons. Public Law 91–327.

Magnesium.—12,000 short tons. Public Law 91–321.

Manganese, type A.—Chemical grade, 111,900 short dry tons. Public Law 91–322.

Manganese, type B.—Chemical grade, 65,800 short dry tons. Public Law 91–323.

Manganese ore.—Natural battery grade, 173,800 short dry tons. Public Law 91–331.

Molybdenum.—3,500,000 pounds. Public Law 91–333.

Shellac.—4,300,000 pounds. Public Law 91–324.

Tungsten.—100 million pounds. Public Law 91–325.

Headstones or markers for medal of honor recipients.—Authorized the furnishing of headstones to mark the graves of Medal of Honor recipients regardless of the character of the discharge granted for their last term of service. Public Law 91–396.

Leave for uniformed services members in hostile fire areas.—Extended until June 30, 1972, the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas. Public Law 91–302.

Marine Corps Band.—Removed the restrictions on the grades of the director and assistant director of the Marine Corps band (now limited to lieutenant colonel and captain, respectively) to eliminate an inequity in their promotion opportunities. Public Law 91–197.

Military claims.—Provided that the authority for payment of military claims under title 10 of the United States Code be increased to $15,000, the amount authorized for foreign claims, and that a similar provision for partial payment be provided for such claims. Public Law 91–312.

Military procurement authorization, 1971.—Authorizes appropriations of $11,892,389,000 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles; $7,016,500,000 for research, development, test, and evaluation; and $334,000,000 for military

construction authority for the Safeguard antiballistic missile system; continues the authority for merging military assistance financing for South Vietnam and other free world forces and local forces in Laos and Thailand, with the funding of the Department of Defense; authorizes the personnel strengths for fiscal year 1971 for the Selected Reserve of each of the Reserve components of the Armed Forces; imposes certain limitations with regard to specific procurement actions; provides certain additional legislative authorities; and contains other provisions. H.R. 17123. P/H 5/6/70. P/S amended 9/1/70.

Naval flight officers' command.—Amended title 10, United States Code, to permit naval flight officers, in addition to naval aviators, to be eligible for command of naval aviation schools, naval air stations, or naval aviation units organized for flight tactical purposes; provided eligibility for similar Marine Corps commands by naval flight officers of the Marine Corps. Public Law 91–198.

Savings deposit program for certain uniformed services members.—Removed the $10,000 limit on deposits which may be made to the Uniformed Services Savings deposit program in the case of any member of the uniformed services who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict. Public Law 91–200.

Selection boards.—Provided that the number of active duty officers who serve on selection boards for the grades of rear admiral to captain may be increased from the current number of nine, and removed the requirement that members of selection boards for nonactive duty promotions have a permanent grade higher than those being considered for promotion, in order to make a greater number of officers eligible to serve on such boards. Public Law 91–199.

Transportation to home ports.—Entitled a member of the Navy, Coast Guard, or Environmental Science Services Administration, whose dependents are residing at his home port to round trip transportation to the home port where he is permanently attached to a ship overhauling away from the home port. Public Law 91–210.

United States flags—Presentation to parents of deceased servicemen.—Provided that United States flags may be presented to parents of deceased servicemen, in addition to flags presented to the surviving spouse or next of kin. Public Law 91–397.

War Claims Act amendments.—Authorized payment under the War Claims Act of 1948 to members of the Armed Forces captured and held prisoner by the forces of North Vietnam, and to persons captured by North Korea while assigned to duty on board the U.S.S. *Pueblo*, for the period of their captivity at the rate of $5 per day of captivity, and provided for payment to civilian American citizens held by the forces of North Vietnam at the rate of $60 per month. Public Law 91–289.

District of Columbia

Anatomical Gift Act.—Provided in the District of Columbia a comprehensive and uniform legal environment for organ donation and transplantation consistent with the recommendations of the National Conference of Commissioners on Uniform State Laws made in 1968. Public Law 91–268.

Bail Agency Act.—Removed the ceiling of $130,000 on the annual authorization of appropriations for the District of Columbia Bail Agency. Public Law 91–232.

Blood components transfer.—Authorized the Commissioner of the District of Columbia to determine that blood platelets and other blood components in general use in the States may be transferred from local licensed blood banks in which they are produced to licensed physicians, to District of Columbia hospitals, and to licensed private hospitals and other medical facilities within the District, thereby placing the District in the same position as the States, all of which permit the intrastate transfer of blood components within their borders. Public Law 91–256.

Cooperative Association Act amendments.—Exempted from the District of Columbia laws regulating the loaning of money and interest rates cooperative associations formed under the District of Columbia Cooperative Association Act and their financing transactions with members. Public Law 91–385.

Court reform and criminal procedure act.—Completely reorganized the present court system in the District of Columbia, including provision for a local court system for the adjudication of all local criminal and civil matters, and added a number of new judgeships, as well as providing for modern court administration; transformed the Legal Aid Agency into a Public Defender Service to provide legal counsel for up to 60 percent of all indigent criminal defendants and to aid the courts in establishing an effective court-appointed counsel system for the remaining 40 percent; expanded the Bail Agency and enables it to make recommendations to the courts on the full range of pretrial release conditions and to supervise persons released on non-financial conditions; replaced the existing three-judge juvenile court with an expandable Family Division; established a modern juvenile code; made various changes in criminal procedure and provided revisions in sentencing practice, including new sentencing alternatives for habitual criminals; contained an improved wiretapping and electronic surveillance law; provided for no-knock search warrants under certain conditions; permitted a pretrial detention alternative for certain dangerous defendants; authorized an additional $5 million Federal payment to the District of Columbia to defray the first-year costs of court reorganization and to aid in the payment for other crime control provisions of the legislation; and made other reforms. Public Law 91–358.

Delegate to House of Representatives—Commission on D.C. Organization.—Provided a 12-member District of Columbia Government study commission, said Commission to report to Congress within 12 months those changes necessary in any facet of the organization and practices of the District Government, in the interest of the congressionally approved goals of economy, efficiency, and improved municipal services; provided a nonvoting Delegate to the U.S. House of Representatives from the District of Columbia, said Delegate to be chosen biennially by the qualified voters of the District, following nomination either (1) by a political party in a party primary, or (2) by the submission of a nominating petition signed by 5,000 voters or 2 percent of the total District electorate (whichever is less); and made technical amendments to the election laws of the District of Columbia. H.R. 18725. Public Law 91– —.

Fees.—Vests authority in the District of Columbia Council, after public hearing, to set a variety of municipal fees, including fees for certain licenses and permits; license and user fees are presently fixed by statute, and many fees have not been adjusted over the years to reflect current costs for performing the governmental duties related to the activity for which the fee is charged. S. 3906. P/S 8/13/70.

Freeway airspace utilization.—Authorizes the Commissioner of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia to allow fuller utilization of space by making available for private and public purposes such airspace as will not impair the full and safe use of freeways. S. 3647. P/S 7/30/70.

Health services improvement.—Improves health services and regulatory functions of the Public Health Department of the District of Columbia; authorizes commitment of mentally ill persons, previously sent only to public hospitals, to other equally suitable health facilities; eliminates duplication of inspection of milk producers and dairy farms between the District and other jurisdictions within the Washington "milk shed"; provides for detection of tuberculosis for school children in the District through mandatory tuberculin testing of all children entering school for the first time; allows the District government to enforce liens against recoverable moneys as to persons under care at Glenn Dale Hospital, Maryland; allows physicians licensed in another State to obtain a license in the District, although once failing the District examination. S. 3648. P/S 7/30/70.

Housing Revolving Fund and Unclaimed Property Act.—Establishes in the District of Columbia a revolving fund for the development of housing for low- and moderate-income persons and families in the District of Columbia and provides for the disposition of unclaimed property in the District of Columbia. S. 3011. P/S 5/13/70.

Industrial Safety Act Amendments.—Provides for a more general application of the rules and regulations of the safety code of the District of Columbia to protect employees and restores the jurisdiction of the Industrial Safety Board to enforce the code. S. 2820. P/S 5/5/70.

Metropolitan Area Transit Act.—Grants congressional consent to the public acquisition and operation of mas transit bus facilities in the Washington metropolitan area and authorizes payments by the District of Columbia government to assist in maintaining reasonable fares for District residents. S. 1814. P/S 4/15/70.

Mortgages and loans.—Temporarily permits, through March 31, 1971, mortgages insured by the Federal Housing Administration and the Veterans' Administration to be made in the District of Columbia even when the effective rate of interest therein exceeds the 8 percent ceiling provided in the District of Columbia interest and usury laws. S. 3313. P/S 4/1/70.

Pay increase for police, firemen, and teachers.—Increased by an average of 13 percent retroactive to July 1, 1969, the salaries of police and firemen and Executive Protective Service; increased by an average of 13 percent, retroactive to September 1, 1969, the salaries of teachers; revised the personal income tax of District of Columbia residents and authorized a special Federal payment of $8 million to the District of Columbia to help defray the costs of the pay increases; and made other changes in existing law. Public Law 91–297.

Protective eye devices.—Requires students, teachers and observers in the District of Columbia to wear protective devices while participating in or observing certain courses of study or types of training in public or private facilities wherever there is a condition hazardous to the eyes in connection with educational or training programs. H.R. 9528. P/H 11/24/69. P/S amended 5/7/70.

Protestant Episcopal Church Vestry Act.—Conforms applicable law to changes recently enacted by the General Assembly of Maryland with respect to the Protestant Episcopal Church to repeal those anachronistic sections of the so-called Vestry Act which deal with the internal organization and operation of the Church, but to leave intact those provisions which establish general corporate powers and which may affect title to property held by the church. S. 2336. P/S 8/13/70.

Rental of space for District of Columbia agencies and activities.—Enables the government of the District of Columbia to more efficiently lease privately owned space in buildings or in improved or unimproved property for the accommodation of District agencies and activities, thus allowing the District government to compete for space

in the open market on the same terms as the Federal Government. S. 3649. P/S 7/1/70.

Revenue.—Provides that the annual Federal payment authorization be established at 30 percent of the District of Columbia general fund tax revenues and authorizes a special one-time Federal payment supplement of $5 million for fiscal year 1970 to be used for law enforcement activities in the District. The new formula proposal would authorize a 1971 Federal payment estimated at $130.4 million or an increase of $25.4 million over the present annual $105 million authorization. S. 3903. P/S 8/13/70.

Taxation of regulated investment companies.—Conformed the provisions of the District of Columbia Income and Franchise Tax Act of 1947 to the provisions of the Federal Internal Revenue Code relating to the treatment to be given to dividends paid by regulated investment companies which qualify for the dividends-paid deductions under section 852(b)(2)(D) and section 852(b)(3)(A)(ii) of the Internal Revenue Code of 1954 to make clear that investment companies domiciled in the District of Columbia will be accorded treatment under the laws of the District similar to that they are accorded under Federal law. Public Law 91–391.

Teachers' retirement amendments of 1970.—Amended the District of Columbia Teachers' Retirement Act so as to provide the same retirement benefits for the teachers and other professional employees of the District of Columbia Board of Education as are presently afforded the classified employees of the Federal and District of Columbia governments who retire under the Civil Service Retirement Act as amended by Public Law 91–93. Public Law 91–263.

Voluntary admission of patients to Forest Haven Institution.—Authorizes voluntary admission of substantially retarded persons to the District Training School, whose name is changed to Forest Haven; requires that a prerequisite to such voluntary admissions be a financial arrangement with the District of Columbia on behalf of such persons when they or their relatives are financially able to pay for all or a part of the expenses involved; deletes certain archaic terminology in the present law and substitutes modern terminology in its place. H.R. 4182. P/H 4/28/69. P/S amended 9/11/70.

Water and sanitary sewer rates.—Makes it possible for the District of Columbia City Council, by appropriate increases in the rates to be charged for water and sewer services, to meet operating costs and debt retirement need involved in furnishing these municipal services; and eliminates the maximum rate restrictions imposed on water and sewer rates and leaves the setting of such rates to the discretion of the District of Columbia Council on the basis of recommendations by the Commissioner. S. 3905. P/S 8/13/70.

Economy and Finance

Consumer Products Warranty and Guaranty Act.—Require a supplier of a consumer product or service actually costing more than $5 who decides to warranty or guaranty his product against defect or malfunction to follow certain guidelines; requires a clear and conspicuous disclosure of the contents of warranties and guaranties and requires that a written warranty or guaranty must be designated a "full" or "partial" warranty; and provides remedies for failure to comply with certain provisions of the legislation. S. 3074. P/S 7/1/70.

Credit unions Federal share insurance.—Provides a Federal system of share insurance for savings in credit unions and the regulatory authority necessary to operate such a share insurance system; provides mandatory coverage for federally chartered credit unions for State-chartered credit unions and for credit unions operating under the Department of Defense jurisdiction if they elect to be covered and agree to comply with the requirements of the program; changes regular reserve requirements of Federal credit unions; authorizes Federal credit unions to invest in other insured credit unions; and authorizes certain Federal credit unions serving low-income persons to accept funds from non-members. S. 3822. P/S 9/2/70.

Credit unions—Independent agency status.—Elevated the Bureau of Federal Credit Unions (currently in the Department of Health, Education and Welfare) to the status of an independent agency in the executive branch to be known as the "National Credit Union Administration," and provided for an Administrator to be the chief executive officer of the Administration and to function in close and constant cooperation with a newly created National Credit Union Board to consist of a chairman and one member from each of the Federal credit union regions, the Administrator and Board members to be appointed by the President by and with the advice and consent of the Senate. Public Law 91–206.

Defense Production Act extension; standby wage, price, salary, and rent controls.—Extended the Defense Production Act until June 30, 1972; provided for the establishment of uniform cost accounting standards for certain defense contracts to be promulgated by a five member Cost-Accounting Standards Board appointed by the Comptroller General who would be designated as Chairman of the Board; limited loan guarantees under the Act to a maximum of $20 million per contractor, except with congressional approval; and gave the President standby authority until February 28, 1971 to stabilize prices, wages, salaries, and rents at levels not less than those prevailing on May 25, 1970, except that adjustments can be made to avoid inequities. Public Law 91–379.

Defense Production Act temporary extensions:

Extended the effectiveness of the Defense Production Act of 1950 to July 30, 1970. Public Law 91–300.

Extended the effectiveness of the Defense Production Act of 1950 until August 15, 1970. Public Law 91–371.

Eisenhower dollar.—Authorizes the minting of not to exceed 150 million silver dollars, 40% silver content, to be minted only as uncirculated coins and proof coins and sold at a premium price, and authorizes the simultaneous minting of cupro-nickel dollars, expected to circulate as a medium of exchange, all bearing the likeness of the late President of the United States, Dwight David Eisenhower. S. J. Res. 158 P/S 10/15/69. P/H amended 10/15/69. Senate concurred in House amendment with an amendment in the nature of a substitute 3/19/70.

Eligibility of American Samoa Banks for Federal deposit insurance.—Establishes the eligibility of the banks in American Samoa for Federal deposit insurance by amending sections 3 and 7 of the Federal Deposit Insurance Act in accordance with the provisions governing U.S. territories. S. 3366. P/S 7/1/70.

Federal National Mortgage Association.—Clarifies the payment of certain accounts owed by the Federal National Mortgage Association (FNMA) to the Secretary of the Treasury in connection with the reorganization of the FNMA. S. 3207. P/S 1/30/70.

Gold and silver content.—Amended the National Gold and Silver Stamping Act to protect consumers by providing a civil remedy for misrepresentation of the quality of articles composed in whole or in part of gold or silver. Public Law 91–366.

Public debt limit increase.—Provided an increase in the permanent debt limitation from $365 billion to $380 billion, and provided for a temporary additional increase of $12 billion, making an overall limitation of $395 billion for fiscal year 1971. Public Law 91–301.

Public Works and Economic Development Act extension.—Amended the Public Works and Economic Development Act of 1965 to extend the authorization of funds for titles I through IV through fiscal year 1971, and authorized to be annually appropriated $770 million through June 30, 1971 ($500 million for grants for public works and development facilities and $170 million for other financial assistance; $50 million for technical assistance research and information; and $50 million for economic development districts). Public Law 91–304.

Purchase of U.S. obligations by Federal Reserve banks.—Extended for 1 year, from June 30, 1970, to June 30, 1971, the authority of of the Federal Reserve banks to purchase U.S. obligations directly from the Treasury. Public Law 91–360.

Savings bonds—Interest increase.—Increased from 5 to 5½ percent the rate of interest payable on series E savings bonds. Public Law 91–388.

Securities Act exemption from registration for small businesses.—Amends the Securities Act of 1933 to assist small businesses in raising capital by giving the Securities and Exchange Commission power by rule or regulation to increase the size of an offering of securities that may be made without compliance with the full registration requirements of the Securities Act from the present amount of $300,000 to $500,000. S. 336. P/S 8/13/70.

Securities Exchange Act—Additional consumer protection.—Amends the Securities Exchange Act to provide additional protection for investors by augmenting the provisions of Public Law 90–439 to encompass acquisitions of and tender offers for equity securities of insurance companies; to extend the act's full disclosure provision to acquisitions and tender offers of over 5 percent of a company's stock; to extend the substantive provisions which protect stockholders involved in cash acquisitions and tender offers to stock for stock exchange offers; to give the Securities and Exchange Commission additional rulemaking power to deal with certain types of fraudulent, deceptive, and manipulative practices; and to give the Commission rulemaking power to differentiate between control persons and issuers in applying certain requirements of section 13(e) of the Securities Exchange Act. S. 3431. P/S 8/18/70.

Silver certificates.—Authorizes further adjustments in currencies outstanding which were issued after June 30, 1929; permits the writeoff of Federal Reserve bank notes and national bank notes; and removes the limitation of $200 million on the aggregate face value of silver certificates outstanding that the Secretary of the Treasury is authorized by law to write off after he has determined that they have been lost or destroyed, or are held in collections, and will never be presented for redemption. S. 3825. P/S 6/17/70.

Unsolicited credit cards.—Prohibits the issuance of unsolicited credit cards except in renewal of, or in substitution for, an accepted credit card; limits consumer liability for a lost or stolen card to not more than $50, unless there is a lesser liability under other applicable law or under an agreement with the card issuer; amends the definition of a card issuer to include not only the person who issues the card but also any agent of the issuer; sets penalties for unauthorized use of credit cards. S. 721. P/S 4/15/70. H.R. 16542. P/H 9/9/70.

Education

Demonstration elementary school for the deaf.—Authorizes the Board of Directors of Gallaudet College to maintain and operate, including necessary renovation, construction and equipment, the Kendall School as a demonstration elementary school for the deaf

to serve primarily the National Capital region and authorizes the School to provide day and residential facilities for elementary education for persons who are deaf in order to prepare them for high school and other secondary study, and to provide an exemplary educational program to stimulate the development of similar excellent programs throughout the Nation. S. 4083. P/S 8/11/70.

Elementary and secondary education amendments.—Authorized approximately $24.5 billion for fiscal years 1971 through 1973 for carrying out various educational programs; amended the Elementary and Secondary Education Act of 1965 (special educational needs of educationally deprived children; school library resources, textbooks, and other printed and published materials; supplementary educational centers and services; strengthening State departments of education; bilingual education programs; school dropout prevention; school nutrition and health services for children from low-income families); extended and amended impacted areas programs legislation; amended the Adult Education Act; enacted a "General Education Provisions Act" relating to the administration of education programs and the operation of the Office of Education; extended and revised provisions of present law relating to cancellation and repayment of loans under Federal student loan programs; created, as an independent act, the "Education of the Handicapped Act"; amended and extended vocational education programs; and made miscellaneous amendments to various education laws. Public Law 91–230.

Impacted areas aid.—Authorized the Secretary of Health, Education and Welfare to make to local educational agencies emergency payments for the current school year to provide 100 percent funding for fiscal year 1970 for the education of 3–A children (children whose parents live or work on Federal property) under Public Law 874, the aid to impacted areas program; and authorized for this purpose the expenditure of $2.5 million out of existing appropriations. Public Law 91–237.

Land-grant status for College of the Virgin Islands and the University of Guam.—Gives land-grant status to the College of the Virgin Islands and the University of Guam; authorizes endowment grants of $1,019,000 to the University of Guam and $714,000 to the College of the Virgin Islands; provides eligibility for annual grants to each college. S. 1148. P/S 4/15/70.

National Commission on Libraries and Information Science.—Established a 15-member National Commission on Libraries and Information Science as an independent agency in the executive branch to develop and recommend overall plans for carrying out the national policy with respect to libraries and information science, and authorized $500,000 for fiscal year 1970 and $750,000 for fiscal year 1971 and each succeeding year to carry out the provisions of the Act. Public Law 91–345.

Federal Employees

Air traffic controllers.—Changes the computation factor for determining civil service retirement benefits from 1.0 to 1.4 for each year of air traffic controller service and provides that the special provision apply only to air traffic controllers and "first-line" supervisors directly supervising such controllers; makes a controller or a supervisor eligible to retire after completing 30 years of service regardless of age if he has at least 10 years of service in such a capacity. S. 3959. P/S 7/13/70.

Civil service retirement.—Provides that when an employee retires he may elect to take a reduced annuity and provide a lifetime survivor benefit equal to 55 percent of his reduced annuity for his spouse in the event he dies before his spouse. S. 437. P/S 9/10/70.

Federal firefighters.—Extends to Federal employees whose duties "are primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment" the same hazardous-duty retirement provisions of title 5, United States Code, now provided for certain Federal law-enforcement officers. S. 578. P/S 8/18/70.

Federal pay legislation.—Provided 6-percent across-the-board increases for the salaries of Federal employees who are paid under statutory salary systems (the postal field service, the general schedule of the classified civil service, the Department of Medicine and Surgery in the Veterans' Administration and the Foreign Service) and employees paid under other salary systems (legislative employees; judges of the District of Columbia, Court of General Sessions, Court of Appeals, and Tax Court; and staffs of former Presidents), except wage board employees in the legislative, executive and judicial branches of the Government; and provided a 6-percent increase to military personnel under the provisions of Public Law 90–207; made pay retroactive to the first day of the first pay period which began December 27, 1969. Public Law 91–231.

Foreign Service retirement adjustments.—Brought the retirement benefits and financing of the Foreign Service Retirement and Disability System into line with those contained in legislation relating to the Civil Service Retirement System which became effective on October 20, 1960 (Public Law 91–93). Public Law 91–201.

Government Printing office—Overtime compensation.—Authorized the Public Printer to grant employees paid on an annual basis compensatory time off from duty instead of overtime pay for overtime work. Public Law 91–369.

Government Printing Office—Special policemen.—Authorized the Public Printer or his delegate to designate employees of the Government Printing Office to serve as special policemen to protect persons and property in premises and adjacent areas occupied by or under the control of that office. Public Law 91–359.

Health benefits.—Increases the amount paid by the Federal Government toward the cost of the premium charged for health insurance authorized by the Federal Employees Health Benefits Act from $1.62 (for self only) or $3.94 (for family coverage) for each biweekly pay period (which in practice is about 24 percent of the average cost of high option family insurance) to a permanent level of 40 percent of the average premium charged for high option coverage offered by the six largest insurance programs operating under the act. H.R. 16968. P/H 7/9/70. P/S amended 9/9/70. H. agreed to Senate amendment with an amendment 9/10/70.

Job Evaluation Policy Act.—Improved position classification systems within the executive branch by establishing an orderly procedure for the study of ways to improve current classification with a view to the establishment of a comprehensive plan for the establishment of a coordinated system of job evaluation and ranking and by providing for the appointment by the Civil Service Commission of a special organizational unit within the Commission to prepare the plan and requiring the Commission to submit to the President and Congress within one year an interim report and to complete its activities within two years at which time it shall submit its recommendations to the President who shall submit recommendations to Congress. Public Law 91–216.

Protecting privacy and the rights of Federal employees.—Prohibits indiscriminate executive branch requirements that employees and applicants for Government employment disclose their race, religion or national origin; attend Government-sponsored meetings and lectures or participate in outside activities unrelated to their employment; report on their outside activities or undertaking unrelated to their work; submit to questioning about their religion, personal relationships or sexual attitudes through interviews, psychological tests, or polygraphs; support political candidates or attend political meetings; makes it illegal to coerce an employee to buy bonds or make charitable contributions; prohibits officials from requiring an employee to disclose his own personal assets, liabilities, or expenditures, or those of any member of his family unless, in the case of certain specified employees, such items would tend to show a conflict of interest; provides a right to have a counsel or other person present, if the employee wishes, at an interview which may lead to disciplinary proceedings; accords the right to a civil action in a Federal court for violation or threatened violation of the act; and establishes a Board on Employees' Rights to receive and conduct hearings on complaints of violation of the act and to determine and administer remedies and penalties. S. 782. P/S 5/19/70.

Wage board employees.—Provides an equitable system for fixing pay scales for prevailing rate employees of the Government by establishing one system of rules under one agency's jurisdiction to insure that Federal employees in the same area working for different agencies will be paid the same rate for doing the same kind of work, that the same criteria are used by one agency as by another in surveying prevailing rates to establish Federal wages, and that employees have adequate and fair representation within the groups vested with carrying out the established policies. H.R. 17809. P/H 9/9/70. P/S amended 9/10/70.

General Government

Alaska Native Claims Settlement Act of 1970.—Provides for final legislative settlement of the claims of the Alaska Native people to the lands which now comprise the State of Alaska and extinguishes all Native claims to said lands; provides as compensation for the extinguishment of these claims substantial land grants to both individuals and to Native village corporations; appropriates Federal funds of $500 million to be paid over a 12-year period; grants the Alaska Native people a right to share in revenues derived from the mineral resources of Alaska until $500 million has been received; provides for the organization of corporate enterprises to administer funds granted by the bill; protects subsistence resources used by Alaska Native people; and authorizes the Secretary of the Interior to dispose of oil and other leasable minerals on the public lands in Alaska by competitive bid where there is competitive interest in the lands to be leased. S. 1830. P/S 7/15/70.

American Revolution Bicentennial Commission.—Authorizes appropriations of $373,000 for fiscal year 1971, for the Commission's activities. S. 3630. P/S 6/26/70. H.R. 16408. H. Cal.

Bankruptcy Laws Commission.—Established a Commission on the Bankruptcy Laws of the United States to study, analyze, evaluate and recommend changes in the Bankruptcy Act and to submit a comprehensive report of its activities and recommendations to the President, Chief Justice, and Congress within 2 years of enactment. Public Law 91–354.

Canal Zone government.—Cash relief payments: Amended the Canal Zone Code to adjust cash relief payments (to be paid from Canal tolls at no cost to the Federal government) to noncitizen former employees of the Canal Zone Government whose services terminated prior to 1958 by providing for adjustment of future payments on the basis of cost-of-living under provisions of the United States Code pertaining to civil service retirement annuities; and extended the eligibility

for cash relief payments to surviving widows of such former employees. Public Law 91–355.

Coalinga Canal, Calif.—Changed the name of the Pleasant Valley Canal, a feature of the San Luis unit of the Central Valley project in California, to the Coalinga Canal. Public Law 91–336.

Commission on Population Growth and the American Future.—Established a commission to be called the Commission on Population Growth and the American Future to conduct and sponsor studies and research and to make such recommendations as may be necessary to provide information and education to all levels of government in the United States, and to the public, regarding a broad range of problems associated with population growth and their implication for America's future. Public Law 91–213.

Disaster assistance.—Provides a permanent, comprehensive program for Federal disaster assistance and strengthens the organization and administrative machinery needed to implement the program in an orderly and effective manner; enables the extension of needed emergency relief and recovery assistance to individuals, organizations, businesses, and States and local communities suffering from a major disaster; authorizes Federal assistance for private as well as public losses suffered in a major disaster which the President determines to be of "sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States, local governments and relief organizations in alleviating the damage, loss, hardship or suffering caused thereby and respecting which the Governor of any State in which such catastrophe occurs or threatens to occur certifies the need for disaster assistance under this Act and gives assurance of expenditure of a reasonable amount of the funds of such State, its local governments, or other agencies for the same or similar purposes with respect to such catastrophe"; consolidates into one Act and repeals the three major existing Federal disaster assistance laws; makes changes in the Small Business disaster loan program, Farmers Home Administration emergency loans, and Veterans' Administration loans. S. 1619. P/S 9/9/70.

Disposition of executive records.—Abolished the Joint Committee on the Disposition of Executive Papers and transferred its functions to the General Services Administration, operating in collaboration with the National Archives, and provided for the disposal of Government records insufficiently valuable to merit retention. Public Law 91–287.

Family planning services and population research activities.—Makes comprehensive, voluntary family planning services and related information available to all persons in the United States desiring such services; provides greatly increased support for biomedical, behavioral, and operational research relevant to family planning and population; provides for development and dissemination of information on population growth; provides for coordination and centralization of the administration of family planning and population research programs conducted by the Department of Health, Education, and Welfare (HEW); authorizes $89.750 million in fiscal year 1971, rising in increments of $53.250 million per year to $307.750 million in fiscal year 1975 for a new 5-year program of grants and contracts administered by HEW; establishes an Office of Population Affairs in HEW, headed by the Deputy Assistant Secretary for Population Affairs, to exercise direct authority and control over family planning grant and population research programs operated by HEW, to coordinate and evaluate other HEW family planning and population-related programs, and to provide liaison with other Federal agencies carrying out programs in this field; requires HEW to submit to Congress a 5-year plan for extension of services to all persons having need of them, for research programs, and for training programs and provides for annual reports to Congress on progress under the plan. S. 2108. P/S 7/14/70.

Fire protection contracts on public lands.—Confers on the Secretary of Interior authority parallel to that of the Secretary of Agriculture with respect to the suppression of fires on large areas of the public lands and allows him to enter into contracts for tanker aircraft, and for other kinds of aircraft, supplies, and services, for an entire fire season, and to renew such contracts not more than twice. S. 3777. P/S 7/1/70.

Fire research and safety act authorization.—Authorizes to be appropriated to the Department of Commerce such sums as may be necessary for fiscal years 1971 and 1972 (not to exceed a total of $5 million) and such sums as may be necessary for succeeding fiscal years to carry out the purposes of the Fire Research and Safety Act of 1968. S. 3766. P/S 7/31/70. H.R. 16538. H. Cal.

Franklin Delano Roosevelt Memorial Commission.—Authorized $75,000 for the continued operation of the Franklin Delano Roosevelt Memorial Commission. Public Law 91–398.

Full Opportunity Act.—Establishes full social opportunity for all Americans as a national goal, and declares this goal to be a continuing responsibility of the Federal Government, consistent with the primary responsibilities of State and local governments; describes the goal as embracing such areas as educational and vocational opportunities, access to housing and health care, and the provision of special assistance to the handicapped and other less fortunate members of society; establishes institutions and procedures for advancing this broad social goal, specifically: (1) a Council of Social Advisers in the Executive Office of the President; and (2) an annual Social Report by the President to the Congress; and establishes within Congress an Office of Goals and Priorities Analysis to submit an annual report to Congress setting forth goals and priorities in the general context of needs, costs, available resources, and program effectiveness. S. 5. P/S 9/10/70.

Government systems and equipment purchasing.—Authorizes the Administrator of General Services to determine the system and equipment required for standard passenger motor vehicles (sedans and station wagons) to be completely equipped for operation, and to purchase such additional systems and equipment as he finds to be other than customary for standard passenger motor vehicles, without regard to the maximum price limitations established by law. S. 2763. P/S 5/28/70. H. Cal.

"Johnny Horizon" symbol.—Protects the symbol of Johnny Horizon (created by the Bureau of Land Management as part of an intensive public service antilitter program, with the theme: "This Land Is Your Land—Keep it Clean") from unauthorized use and permits the Department of the Interior to license its use for commercial purposes with the provision to collect royalties. S. 3838. P/S 7/7/70. H. Cal.

Land Conveyance, Eglin Air Force Base, Fla.—Authorized the Secretary of the Air Force to donate, grant, and convey to the Board of Public Instruction of the county of Okaloosa, Florida, all right, title, and interest of the United States in and to approximately 135 acres of land; such land shall be used for the construction of school facilities in the vicinity of Eglin Air Force Base to alleviate the severe overcrowding of schools in that area. Public Law 91–347.

Mountain Standard Time Zone.—Authorized the Secretary of Transportation to place El Paso and Hudspeth Counties, Texas, in the mountain standard time zone. Public Law 91–228.

National Foundation on the Arts and the Humanities Act amendments.—Authorized $40 million, $60 million, and $80 million for fiscal years 1971, 1972, and 1973, respectively, for the National Foundation on the Arts and the Humanities, provided that from the sums appropriated for any fiscal year, not less than $65,000 shall be allotted to each State and that any funds remaining after such an allotment shall be distributed among the States in equal amounts; and made other amendments to the Act. Public Law 91–346.

National Science Foundation authorization.—Authorized appropriations to the National Science Foundation for the fiscal year 1971 in the amount of $537,730,000 out of money in the Treasury not otherwise appropriated and $2 million in foreign currencies which the Treasury Department determines to be in excess to the normal requirements of the United States. Public Law 91–356.

Oil and gas leases.—Conferred discretionary authority on the Secretary of Interior to prevent, administratively, termination of certain oil and gas leases on Federal lands and to reinstate terminated leases under certain limitations and conditions. Public Law 91–245.

Plymouth-Provincetown Celebration Commission.—Creates a commission to develop suitable plans for and conduct of the celebration in 1970 of the 350th anniversary of the landing of the Pilgrims at Provincetown and Plymouth, and authorizes $100,000 for the Commission's work. S. 2916. P/S 6/26/70.

Postal Reorganization Act.—Established the United States Postal Service as an independent establishment within the executive branch; provided that all powers of the Postal Service shall be directed and exercised by an eleven-member Board of Governors, nine of whom shall be appointed by the President (no more than five of whom may be members of the same political party), the Postmaster General to be appointed a governor by the nine, and the Depuy Postmaster General to be a governor chosen by those ten; established a thirteen member Advisory Council to advise the Postal Service on all aspects of postal operations; authorized collective bargaining over wages, hours, grievance procedures, seniority rights, promotions and other matters subject to collective bargaining in the private sector, with final and binding arbitration to resolve impasses in lieu of the right to strike; provided that right-to-work laws shall be applicable to postal employees; made postal employees members of the Postal Career Service, which shall be a part of the Civil Service; prohibited political influence in the selection or promotion of postal personnel; empowered the Postal Service to raise up to $10 billion through the issue of bonds; required that postal rates to afford the annual revenues necessary to operate the Postal Service be recommended to the Board of Governors by an independent five-member Postal Rate Commission, subject to veto by a unanimous decision of the Board or by the Courts; prescribed an annual appropriation of approximately 10 percent of the postal budget to be phased out over a 12-year period; and provided an 8 percent salary increase to postal employees to be effective retroactively to the first day of the first pay period that begins on or after April 16, 1970. Public Law 91–375.

Postal service.—Makes technical changes in the reference to certain provisions of law relating to the postal service which are codified in the United States Code; made no substantive changes in law. S. 3396. P/S 3/4/70.

Sea Grant College and Program Act amendments.—Provided for further funding of the National Sea Grant College and Program Act through fiscal year 1973, authorizing $20 million, $25 million, and $30 million for fiscal years 1971, 1972, and 1973, respectively.

SMITHSONIAN INSTITUTION

Additional members of Board of Regents.—Authorizes the appointment of three additional citizen regents to the Board of Regents

of the Smithsonian Institution, increasing the membership of the Board from 14 to 17 members. H.R. 14213. P/H 12/16/69. P/S amended 8/18/70.

Facilities construction.—Authorized the Board of Regents of the Smithsonian Institution to plan and construct museum support and depository facilities; limited the authorized appropriations to $500,000; specified that the proposed museum facilities be constructed on land presently within the metropolitan area of the District of Columbia; and limited the use of the appropriated funds to preliminary planning and design of the facilities. S 209. P/S 7/17/70.

Museum programs authorization.—Authorizes $1 million for each of fiscal years 1972, 1973, and 1974 for purposes of the National Museum Act of 1966, and an additional $300,000 for each of those fiscal years for museum assistance programs to be allocated equally among specified museum assistance programs of the Smithsonian Institution, the National Foundation on the Arts, and the National Foundation on the Humanities. S. 704. P/S 8/7/70.

Trust Territory of the Pacific Islands.—Increases the authorization from $50 million to $60 million for the fiscal year 1971 and authorizes $60 million for fiscal year 1972 for the Trust Territory of the Pacific Islands for civil works and administrative programs. S. 3479. P/S 5/18/70. H.R. 15978. H. Cal.

Use of Personal Checks To Pay Postal Services.—Permits the acceptance of checks and nonpostal money orders in payment for postal charges and services; relieves postal employees of personal financial liability for accepting personal checks from postal patrons in the course of business; provides penalties for presenting bad checks and bad postal money orders in payment for postal charges and services. S. 3397. P/S 3/4/70.

Health

Air Pollution Compacts

Mid-Atlantic States.—Gives Congressional consent and approval to a compact between the States of Connecticut, New Jersey, and New York to enter into an interstate compact on air pollution and grants consent to the Commonwealth of Pennsylvania and the State of Delaware to join in such compact. S.J. Res. 53. P/S 6/2/70.

Ohio-West Virginia.—Gives Congressional consent to the interstate compact on air pollution between the States of Ohio and West Virginia and grants to the Commonwealth of Pennsylvania and the State of Kentucky to join in the compact. S. 2707. P/S 2/2/70.

Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.—Establishes a National Institute for the Prevention and Control of Alcohol Abuse and Alcoholism within the Public Health Service, through which the Secretary of Health, Education, and Welfare shall coordinate all Federal health, rehabilitation, and other social programs related to the prevention and treatment of alcohol abuse and alcoholism and administer the programs established by the bill; provides for extensive Federal assistance to State and local programs in order to promote effective treatment and rehabilitation programs for alcoholics throughout the country; authorizes for formula grants to States $20 million, $25 million, and $30 million for fiscal years 1971, 1972, and 1973, respectively, for project grants to State and local agencies $60 million, $100 million, and $160 million for fiscal years 1971, 1972, and 1973, respectively; requires the utilization of all existing Federal legislation providing for Federal or federally assisted research, prevention, treatment, or rehabilitation programs in such fields as health, education, welfare, and highway safety in order to effectively reduce the incidence of alcohol abuse and alcoholism throughout the Nation. S. 3835. P/S 8/10/70.

Cancer conquest.—Expresses the sense of Congress that the conquest of cancer is a national crusade to be accomplished by 1976 as an appropriate commemoration of the two hundredth anniversary of the independence of our country and that sufficient funds be appropriated to carried out said crusade so that the citizens of this land and other lands may be delivered from the greatest medical scourge in history. H. Con. Res. 675. P/H 7/15/70. P/S amended 8/28/70.

Community mental health centers amendments.—Improved and extended for 3 years the Community Mental Health Centers Act; authorized for construction grants $80 million, $90 million, and $100 million for fiscal years 1971, 1972, and 1973, respectively; authorizes for grants for initial operation of community mental health centers $45 million, $50 million, and $60 million for fiscal years 1971, 1972, and 1973, respectively; extended the program for facilities and services for alcoholics and narcotic addicts for 3 years and authorized therefor $30 million, $35 million, and $40 million for fiscal years 1971, 1972, and 1973, respectively; and reduced the authorization for fiscal 1970 from $25 million to $15 million; added a program of special facilities, personnel and services for children and authorized therefor $12 million, $20 million and $30 million, for fiscal years 1971, 1972, and 1973, respectively. Public Law 91-211.

Developmental Disabilities Services and Facilities Construction Act.—Extends and amends the Mental Retardation Facilities Construction Act of 1963; authorizes $100 million, $125 million, and $150 million for fiscal years 1971, 1972, and 1973, respectively, for grants to assist States in developing and implementing a comprehensive and continuing plan for providing services to persons affected by mental retardation and other developmental disabilities; expands the program for the construction and development of university-affiliated facilities and authorizes therefor $7 million, $11 million and $15 million for fiscal years 1971, 1972, and 1973, respectively, for demonstration and training grants, and $20 million for each of fiscal years 1971 through 1975 for construction grants; and places special emphasis on the need for facilities and services for the retarded in areas of urban and rural poverty. S. 2846. P/S 4/13/70. P/H amended 7/30/70. In conference.

Family Practice of Medicine Act of 1970.—Authorizes a 5-year program of grants through fiscal year 1975 to medical schools to operate separate departments devoted to teaching and instruction in all phases of family practice, to construct facilities appropriate to carry out family practice training programs whether as a part of a medical school or as a separate outpatient or similar facility, to operate or participate in special training programs for paramedical personnel in the field of family medicine, to operate or participate in special training programs for medical personnel to head departments of family practice or otherwise teach family practice in medical schools; authorizes grants to public or private nonprofit hospitals for the operation of special professional training programs in family medicine for medical students, interns, or residents, to construct facilities appropriate to carry out these programs whether as part of a hospital or as a separate outpatient or similar facility, to provide scholarships, fellowships, or stipends to interns, residents, or other medical personnel who are in need of such assistance to participate in accredited training programs in the field of family medicine and who plan to specialize or work in the practice of family medicine, to operate or participate in special programs for training paramedical personnel in the field of family medicine; authorizes for grants to medical schools and hospitals appropriations of $50 million for fiscal year 1971, $75 million for fiscal year 1972, and $100 million each for fiscal years 1973, 1974, and 1975; enables the Secretary of HEW to assist medical schools, graduate schools, universities, hospitals, and other public or private institutions in more effectively dealing with the problems of malnutrition and for such programs authorizes $32 million for each of 5 fiscal years beginning with fiscal year 1971. S. 3418. P/S 9/14/70.

Health Training Improvement Act of 1970.—Extends for 5 years and improves the Allied Health Professions Personnel Training Act of 1966 and authorizes for training of allied health professions personnel $79.25 million for fiscal year 1971, $97 million for fiscal year 1972, $118.25 million for fiscal year 1973, $138.5 million for fiscal year 1974, and $158.75 million for fiscal year 1975. Such funds are allocated to the categories of construction grants, basic improvement grants (formula), special project grants, advanced traineeships, development of new methods, utilization of educational talent, scholarship grants, work-study programs, and student loans; additionally creates a new emergency 1-year $100 million program of special project grants for certain medical and dental schools in financial distress. S. 3586. P/S 7/13/70. P/H amended 7/30/70. In conference.

Heart disease, cancer, stroke, and kidney disease amendments.—Extends regional medical programs for 5 years through June 30, 1975 and authorizes therefor $1.1 billion for grants; adds "kidney disease" and "other major diseases and conditions" to the original three programs covered—heart disease, cancer, and stroke—and provides that a maximum of $15 million of the amount appropriated in fiscal year 1971 be available for kidney disease activities; authorizes $1.987 million for comprehensive planning and services; authorizes $503 million for health services research and development; creates a National Council on Health Policy and authorizes through fiscal year 1975 $4 million therefor; facilitates the group practice of medicine; and makes other changes in, and additions to, existing law. H.R. 17570. P/H 8/12/70. P/S amended 9/9/70.

Medical facilities construction and modernization amendments.—Authorized $1.29 billion in grants to the States for construction or modernization of hospitals and other health facilities for fiscal years 1971, 1972, and 1973; established a new 3-year program of guaranteed loans to cover up to 90% of the cost to private nonprofit agencies for medical facility construction or modernization and a program of direct loans for construction or modernization of public facilities and for such loans authorized $1.5 billion for fiscal years 1971, 1972, and 1973, but not more than $500 million per year; provided a new 3-year $20 million per year program of project grants to assist in the modernization or construction of emergency rooms in general hospitals and transportation systems; provides for reports on the health consequences of the use of marihuana; and made other legislative changes. Public Law 91-296.

Medical Library Assistance Extension Act.—Extended for 3 years the current program to provide financial assistance for the construction of health library facilities; to support training of health librarians and other information specialists; to expand and improve health library services through the provision of grants for library resources; to support projects of research and development in the field of health communications, and related special scientific projects; to support the development of a national system of regional medical libraries; and to support selected biomedical scientific publications projects; and authorized for funding these

programs $63 million for fiscal years 1971 through 1973. Public Law 91–212.

Migrant health services.—Extended until June 30, 1973, the authority of the Public Health Service Act to improve health services and the health conditions of domestic agricultural migratory workers and their families, and provided for this purpose increased funding authorizations of $20 million for fiscal year 1971, $25 million for fiscal year 1972, and $30 million for fiscal year 1973. Public Law 91–209.

Poison Prevention Packaging Act.—Amends the Federal Hazardous Substances Act to provide for child-resistant packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting any hazardous household substance; authorizes the Secretary of Health, Education and Welfare to determine those substances to be specially packaged and to establish packaging performance standards; sets penalties for failure to conform to those standards; and creates a technical advisory committee to advise the Secretary. S. 2162. P/S 5/11/70.

Public Health Cigarette Smoking Act.—Prohibited all broadcast advertising of cigarettes after January 1, 1971; strengthened the warning on cigarette packages by changing it from "Caution: Cigarette Smoking May Be Hazardous to Your Health" to "Warning: The Surgeon General Has Determined That Cigarette Smoking is Dangerous to Your Health"; prohibited States from regulating cigarette advertising; and suspended until July 1971 a Federal Trade Commission rule which would require warnings in print cigarette advertising. Public Law 91–222.

Public health training.—Amended the Public Health Services Act to extend for three additional fiscal years the authority to make formula grants to schools of public health and authorized therefor $9 million, $12 million and $15 million for fiscal years 1971, 1972 and 1973, respectively; to extend through fiscal year 1973 project grants for graduate or specialized training in public health and authorized therefor $14 million, $15 million and $16 million for fiscal years 1971, 1972, and 1973, respectively; to extend for two fiscal years project grants for traineeships for professional health personnel and authorized therefor $16 million and $18 million for fiscal years 1972 and 1973, respectively. Public Law 91–208.

Water Pollution Compact

Potomac Valley Conservancy District Compact amendments.—Grants 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. S.J. Res. 67. P/S 8/14/70. H.J. Res. 1179. H. Cal.

Housing

College housing debt service grants.—Provides an additional $2.6 million authorization for college housing interest subsidy grants, thereby making the total available for fiscal year 1971 $6.8 million. S.J. Res. 196. P/S 5/15/70.

Emergency Home Finance Act.—Increased the availability of mortgage credit for the financing of urgently needed housing; authorized $250 million to subsidize the interest on loans made by Federal home loan banks to savings and loan associations and other member borrowers of the Federal Home Loan Bank Board (FHLBB) system, and required the FHLBB to establish a maximum "spread" between the rate charged by the home loan bank and that charged by the savings and loan association, thus passing maximum benefits to the home buyer; expanded the scope of the Federal National Mortgage Association (FNMA) to include conventional as well as Federally insured and guaranteed mortgages in its secondary market operations; established an identical secondary market institution through the FHLBB for conventional and Federally insured and guaranteed mortgages; contained new Government National Mortgage Association (GNMA) special assistance authority amounting to $750 million and transferred another $750 million from the congressional authority to Presidential authority, and removed the existing par purchase restriction on the use of the $2 billion balance of funds now under congressional authority of the GNMA, thus making available for immediate use a total of $2.750 billion for Federally assisted low and moderate income housing; established a new interest subsidy program for middle-income housing through FNMA; renewed the authority of the Secretary of Housing and Urban Development to set the maximum allowable interest rates for FHA and VA mortgages; made technical changes designed to assist savings and loan associations to increase their deposits and thus make more mortgage funds available to the housing market. Public Law 91–351.

Loans to lessees of nonfarm rural land.—Authorizes the Farmers Home Administration to make rural housing loans under title V of the Housing Act of 1949 to lessees of nonfarm rural land. S. 3330. P/S 8/28/70.

Paraplegic housing program.—Authorizes the Veterans' Administration to make direct loans to eligible disabled veterans for assistance in acquiring specially adapted housing as defined in chapter 21 of title 38, United States Code. S. 3775. P/S 8/28/70.

Indians

Chemehuevi Tribe.—Authorizes the disposition of funds appropriated to pay a judgment in the amount of $996,834.81 awarded to the Chemehuevi Tribe of Indians in Indian Claims Commission dockets which funds were appropriated April 30, 1965. S. 4033. P/S 9/1/70.

Cherokee, Chickasaw, Choctaw, and Seminole Nations of Oklahoma.—Provided that when a member, or the descendant of a member, of the Cherokee, Chickasaw, Choctaw, and Seminole Nations of Oklahoma dies without a will and has no heirs, his interests in any trust or restricted land, or in the rents therefrom, will escheat to the tribe. Public Law 91–240.

Choctaw Tribe, Oklahoma.—Repealed the act of August 25, 1969, with respect to the final disposition of the affairs of the Choctaw Tribe, Oklahoma. Public Law 91–386.

Coeur D'Alene Indian Reservation.—Authorizes the Secretary of the Interior to approve the sale, exchange, or encumbrance of tribal lands and to sell or exchange individually owned trust lands or interests therein held in multiple ownership to other Indians if the sale or exchange is authorized by the owners of at least a majority of the interests in such lands. S. 3487. P/S 9/1/70.

Confederated Tribes of the Umatilla Indian Reservation.—Authorized the Confederated Tribes of Umatilla Indian Reservation to use a $2,450,000 judgment recovered against the United States in the Indian Claims Commission, and accumulated interest. Public Law 91–259.

Confederated Tribes of Weas, Piankashaws, Peorias and Kaskaskias.—Provided for a per capita distribution of 3 judgments by the Indian Claims Commission totaling $2,049,273 that have been recovered on behalf of the Confederated Tribes of Weas, Piankashaws, Peorias and Kaskaskias and provided that any per capita share the Secretary of Interior is unable to deliver within two years shall revert to the Peoria Tribe. Public Law 91–364.

Educational facilities for Indian children.—Authorizes the appropriation of $27,400,000 annually for each of fiscal years 1971, 1972 and 1973 to aid public school districts near Indian reservations in the construction of classrooms, housing and other necessary educational facilities for Indian children attending these schools. S.J. Res. 144. P/S 5/19/70.

Five Civilized Tribes and Osage Tribe of Oklahoma.—Amends certain Federal laws relating to the administration of the affairs of members of the Five Civilized Tribes and of the Osage Tribe in Oklahoma to remove a hiatus brought about by the adoption in Oklahoma of a constitutional amendment establishing a new judicial department for that State. S. 2362. P/S 4/30/70.

Five Civilized Tribes of Oklahoma.—Authorizes the Secretary of the Interior to convey to certain individual members of the Five Civilized Tribes interests in former restricted lands that were acquired by the United States pursuant to the Oklahoma Indian Welfare Act of 1936. S. 1498. P/S 4/27/70.

Five Civilized Tribes of Oklahoma.—Authorizes each of the Five Civilized Tribes of Oklahoma (Cherokee, Choctaw, Creek, Seminole and Chickasaw) to popularly elect their principal officers and makes clear that for purposes of developing election procedures the current leadership shall bear responsibility. S. 3116. P/S 4/27/70.

Fort Belknap Indian irrigation project, Montana.—Authorized the Secretary of the Interior to transfer title for the facilities of the Brown unit of the Fort Belknap Indian irrigation project to the owners of the lands served by the unit; provided that the landowners assume responsibility for operation and maintenance; cancelled all outstanding operation and maintenance charges and deferred construction charges on the project. Public Law 91–251.

Fort Belknap Indian Reservation, Montana.—Amends the Act of March 3, 1921, which provided for allotment of lands on the Fort Belknap Reservation, to provide for the reservation of all minerals for the benefit of tribal members in common. S. 786. P/S 5/15/70.

Fort Berthold Reservation, North Dakota.—Authorizes the mortgaging of tribal land on the Fort Berthold Reservation acquired after the date of enactment of this legislation and provides that resulting funds are to be used to buy lands within the reservation to improve the tribal land base. S. 774. P/S 5/11/70.

Hopi Indian Tribe, Arizona.—Gave the governing body of the Hopi Tribe the authorities it needs to develop the Hopi Industrial Park. Public Law 91–264.

Hualapai Tribe, Arizona.—Authorized the use of a judgment recovered against the United States by the Hualapai Tribe of Indians in Indian Claims Commission Docket No. 90. The net amount available is $2,974,612. H.R. 13434. Public Law 91–

Inter-Tribal Council, Inc., Miami, Oklahoma.—Authorizes and directs the Secretary of the Interior to convey without consideration 114 acres of surplus Federal land in Oklahoma to an organization known as the Inter-Tribal Council Incorporated, Miami, Oklahoma, which will encourage labor-oriented industries to locate on this acreage, thus raising the socioeconomic level of the tribal members residing in the area through the creation of jobs and better housing. S. 886. P/S 5/15/70.

Lac du Flambeau Band of Lake Superior Chippewa Indians, Wisconsin.—Conveys the beneficial interest in 40 acres of federally owned land to the Lac du Flambeau Tribe of Wisconsin, subject to valid existing rights-of-way and the right of the State of Wisconsin to use the fire observation tower located on the land for so long as needed and provides that the Indian Claims Commission will determine the extent to which the value of the beneficial interest conveyed should or should not be set off against any claims against the United States Government determined by the Commission. S. 1751. P/S 4/30/70.

Loans to Indian tribes.—Provided authority for the Farmers Home Administration (FHA) to make loans to Indian tribes for the purchase of land within their reservations; permitted any tribe to mortgage its land as security for such a FHA loan; permitted the tribe to waive immunity from suit without its consent as a part of its loan agreement; excepted trust lands from the FHA Act provision that land mortgaged to secure a loan shall be subject to local taxation; permitted the title to land acquired with loan funds to be taken in trust; provided that in addition to making direct loans from its direct loan account the FHA may insure loans to tribes made by commercial lending institutions; specified that the eight Indian Reorganization Act corporations in Alaska are eligible for loans to buy land although they do not have reservations. Public Law 91–229.

Potawatomi Indians.—Authorized the use of a judgment against the United States recovered by the Citizen Band of Potawatomi Indians of Oklahoma in an Indian Claims Commission Docket, the net amount available being $723,111. H.R. 14097. Public Law 91– .

Quapaw Indians, Oklahoma.—Extended for an additional period of 25 years from March 3, 1971, the restrictions, tax exemptions, and limitations affecting lands of the Quapaw Indians in Oklahoma that were extended to that date by the act of July 27, 1939. Public Law 91–290.

Reno-Sparks Indian Colony, Nevada.—Grants to the Reno-Sparks Indian Colony in Nevada the beneficial interest in and to 28.38 acres of land the colony has been using and occupying since the land was acquired by the Federal Government by purchase from private individuals for use as homesites for nonreservation Indians, and authorizes the governing body of the colony, with the approval of the Secretary of the Interior, to make long-term leases of land to members for homesites, dedicate lands for public purposes, contract for public facilities and other services, enact zoning, building, and sanitary regulations, and take action to establish proper boundaries of the colony lands. S. 3196. P/S 9/1/70.

Sac and Fox Tribes of Oklahoma.—Authorized the use of a judgment against the United States recovered by the Sac and Fox Tribes of Oklahoma in an Indian claims Commission Docket, the net amount available, including accrued interest, amounting to $703,345. H.R. 14827. Public Law 91– .

Sioux Tribe of the Fort Peck Indian Reservation, Montana.—Provided for a per capita distribution among the members of the tribe of a judgment of $1,161,354.41 against the United States recovered by the tribe. Public Law 91–283.

Snohomish, Upper-Skagit, and Snoqualmie-Skykomish Tribes.—Disposes of three separate awards of the Indian Claims Commission to the Snohomish, Upper Skagit, and Snoqualmie-Skykomish Tribes, in the total amount of $779,335.50. S. 4078. P/S 9/1/70.

Tlingit and Haida Indians of Alaska.—Authorized the disposition of funds (previously appropriated, invested and amounting to $7 million) awarded to the Tlingit and Haida Indians of Alaska by a judgment against the United States for land taken, principally the Tongass National Forest. Public Law 91–335.

Tulalip Reservation, Washington.—Gave the Tulalip Tribes of the Tulalip Reservation in Washington additional authority to acquire, manage, and dispose of tribal property. Public Law 91–274.

Ute Tribe.—Authorized by the Secretary of the Interior to reimburse the Ute Indian Tribe of the Uintah and Ouray Reservation for tribal funds that have been used for construction, operation, and maintenance of the Uintah Indian irrigation project, Utah; authorizes the payment of interest on the tribal funds used; and transfers the title to four pieces of land purchased by the United States in connection with this project to the United States to be held in trust for the tribe. H.R. 16416. Public Law 91– .

Ute Tribes.—Provides for the disposition of funds appropriated to pay a judgment in favor of the Confederated Bands of Ute Indians in the Court of Claims, and a judgment in favor of the Ute Tribe of the Uintah and Ouray Reservation for and on behalf of the Uncompahgre Band of Ute Indians in an Indian Claims Commission docket. S. 3997. P/S 9/1/70.

Washoe Tribe of Nevada and California.—Set aside 80 acres of public domain in Alpine County, California to carry out a program to assist certain Washoe Indians. Public Law 91–362.

Yakima tribes.—Provides for the disposition of three awards totaling $2,210,991.40 awarded to the Yakimas by the Indian Claims Commission as comparison for the value of reservation lands omitted through erroneous surveys of the boundaries of the Yakima Indian Reservation established by the treaty of June 9, 1855. S. 3337. P/S 5/15/70. H.R. 15469. H. Cal.

Yavapai-Prescott Community Reservation, Arizona.—Authorized lands on the Yavapai-Prescott Community Reservation to be leased for periods up to 99 years if a long-term lease will be in the best interest of the Indian owner. Public Law 91–275.

International

American prisoners of war in Southeast Asia.—Placed the Congress on record in support of humane treatment for the United States prisoners of war and focused world attention on the failure of North Vietnam and the National Liberation Front to comply with the provisions of the Geneva convention on the treatment of prisoners of war. H. Con. Res. 454. House adopted 12/15/69. Senate adopted 2/18/70.

Arms Control and Disarmament Act amendments.—Authorized the appropriation of $17.5 million for fiscal years 1971 and 1972 for operations of the Arms Control and Disarmament Agency. Public Law 91–246.

Convention on offenses and certain other acts committed on board aircraft—Implementing legislation.—Amends the Federal Aviation Act of 1958 to permit the United States to implement certain provisions of the Tokyo Convention, which was approved by the Senate on May 13, 1969 and is designed to promote aviation safety through establishment of continuity of jurisdiction over criminal acts occurring onboard aircraft. S. 2176. P/S 8/13/70.

Convention relating to arbitral awards—Implementing legislation.—Implemented the Convention on the Recognition and Enforcement of Foreign Arbitral Awards which was approved by the Senate on October 4, 1968, creating a new chapter under title 9 of the United States Code (the Federal Arbitration Act) dealing exclusively with the recognition and enforcement of awards pursuant to the provisions of the convention. Public Law 91–368.

Gulf of Tonkin Resolution—Termination.—Provides that under the authority of section 3 of the joint resolution commonly known as the Gulf of Tonkin Resolution and entitled "Joint resolution to promote the maintenance of international peace and security in Southeast Asia", such joint resolution shall be terminated effective upon approval of both Houses of Congress. S. Con. Res. 64. Senate adopted 7/10/70.

International biological program.—Authorize all Federal departments and agencies having functions or objectives related to the International Biological Program (IBP) to obligate or transfer money from appropriate funds and to provide such other support as may be appropriate to that effort; expresses the support and endorsement of the Congress for the International Biological Program; and declares that the provision by the United States of adequate financial and other support for the IBP is a matter of priority. H.J. Res. 589. P/H 11/12/69. P/S amended 8/3/70.

International expositions.—Established a Federal procedure for determination of endorsement of and participation in international expositions held in the United States; called on the President to make findings as to official recognition of a domestically proposed exposition and to submit to Congress such proposals considered appropriate for Federal participation; and authorized appropriations not to exceed $200,000 in any fiscal year. Public Law 91–269.

Military sales—Limitations on U.S. involvement in Cambodia.—Authorizes $250 million for foreign sales for each of fiscal years 1970 and 1971 and sets a credit ceiling of $300 million in each of those fiscal years; places limitations on United States involvement in Cambodia; repeals the Gulf of Tokin resolution effective at the end of the second session of the 91st Congress; requires that any sale or grant of the "International Fighter" aircraft, other than to Vietnam or sales through commercial channels, be made under the regular military grant aid and sales programs; places a $35 million ceiling on the amount of excess defense articles that may be given to foreign countries in any fiscal year; and makes other changes in, or additions to, existing law. H.R. 15628. P/H 3/24/70. P/S amended 6/30/70. In conference.

Pan American Institute of Geography and History.—Authorized an increase in the United States annual contributions to the Pan American Institute of Geography and History from $90,300 to $200,000 and authorized the appropriation of $386,050 for the payment of arrearages incurred during fiscal years 1965–1969. Public Law 91–340.

Peace Corps Act amendments.—Authorized $98.8 million for activities of the Peace Corps in fiscal year 1971; proposed new authorities to attract more highly skilled married volunteers with children; broadened the language of the Peace Corps Act to encourage the development of, and participation in, international voluntary service programs and activities and authorized up to $300,000 therefor in fiscal year 1971. Public Law 91–352.

Retirement age for foreign service career ministers.—Amends the Foreign Service Act of 1946 to lower the mandatory retirement age of career Ministers from age 65 to 60 except while serving in positions to which they have been appointed by the President, by and with the advice and consent of the Senate; and to provide for a retirement schedule for those career Ministers who are now past the mandatory retirement age. S. 3691. P/S 6/19/70.

Suspension of further deployment of offensive and defensive nuclear strategic weapons systems.—Expressed the sense of the Senate that prompt negotiations between the Governments of the United States and the Soviet Union to seek agreed limitations of both offensive and defensive strategic weapons should be urgently pursued, and that the President of the United States should propose to the Government of the Soviet Union an immediate suspension by the United States and the Soviet Union of the further deployment of all offensive and defensive nuclear strategic weapons systems, subject to national verification or such other measures of observation and inspection as may be appropriate. S. Res. 211. Senate adopted 4/9/70.

TREATIES

Convention on the Privileges and Immunities of the United Nations.—Accords certain privileges and immunities to the United Nations, as an organization, and to the representatives of its Members, officials of the United Nations and experts on missions for the United Nations; for the most part, these privileges and immunities have already been conferred upon the United Nations through

the International Organizations Immunities Act of 1945 and the Headquarters Agreement of 1947. Ex. J(91st, 1st). Resolution of ratification agreed to 3/19/70.

Extradition treaty with New Zealand.—This treaty follows generally the form and content of extradition treaties recently concluded by the U.S. Government. Under its coverage are 32 extraditable offenses including, for the first time, aircraft hijacking and offenses relating to narcotics and other dangerous drugs. Ex. C (91st, 2d). Resolution of ratification agreed to 5/27/70.

Intellectual and industrial property conventions.—Both of the following refer to patents and copyrights: (1) The Convention Establishing the World Intellectual Property Organization is to be responsible for the overall administrative activities of related organizations and the promotion of the protection of intellectual property on a worldwide basis, and (2) the Paris Convention for the Protection of Industrial Property Convention revised the Industrial Property Convention to bring its finances and structure and that of its Secretariat into line with the more modern principles of international organization. Ex. A (91st, 1st). Resolution of ratification agreed to 2/28/70.

Protocol to the Northwest Atlantic Fisheries Convention.—Provides for the removal of the Convention's current restrictions relating to (1) the number of commissioners on each of the special panels established by the Convention; and (2) the kinds of measures which the International Commission for the Northwest Atlantic Fisheries may propose in order to achieve optimum utilization of fish stocks in the Convention area. Ex. I (91st, 1st). Resolution of ratification agreed to 3/19/70.

Radiotelephone stations agreement with Canada.—Provides for the reciprocal issuance of permits by the United States and Canada to licensed private operators of radiotelephone stations of one country while temporarily in the jurisdiction of the other. Ex. A (91st, 2d). Resolution of ratification agreed to 5/27/70.

United Nations Headquarters expansion.—Authorizes a $20 million appropriation to the Secretary of State for a grant to be made to the United Nations to defray a portion of the cost of the expansion and improvement of its headquarters in New York City. S.J. Res. 173. P/S 7/10/70.

U.S.-U.S.S.R. political exchange program.—Assists governmental officials of the United States and the Soviet Union through means of exchange of visits in making better informed judgments about world affairs involving the two countries; authorizes travel to the U.S.S.R. for not more than 1,000 elected U.S. officials—including Members of Congress—and their spouses during a period of 5 years beginning February 1, 1971; provides for efforts to facilitate comparable trips to the United States by Soviet officials; authorizes up to $5 million for the program over the 5-year period. S. 3127. P/S 4/20/70.

Water pollution research—Fifth international conference.—Seeks the cooperation of the Federal and State Governments and all interested persons and organizations to assist in the Fifth International Conference on Water Pollution to be held in San Francisco, California, from July 26 through August 1, 1970, and which will be reconvened in Honolulu, Hawaii, from August 2 through August 5, 1970. S.J. Res. 162. P/S 3/19/70.

JUDICIAL

Additional district judges.—Provided for the creation of 58 new permanent district judgeships throughout the United States and made amendments to the Judicial Code to enable the Federal courts more efficiently and expeditiously to handle the business brought before them. Public Law 91–272.

Civil Rights Commission authorization.—Increases the annual authorization of the Civil Rights Commission from $2,650,000 to $3,400,000 for each fiscal year, beginning with fiscal year 1970, and ending with January 31, 1973, the termination date of the Commission, to reflect statutory pay increases and other increases in expense; increases the per diem amount payable to Commission members and consultants from $75 to $100; amends the Civil Rights Act of 1957 to provide that any person defamed, degraded, or incriminated by a Commission report shall be provided an opportunity to answer the charges or allegations contained therein, and that said answer shall be annexed to the Commission report. S. 245. P/S 7/14/70. H. Cal.

Copyright protection extension.—Continues until December 31, 1971 the renewal term of any copyright subsisting on the date of this resolution, or the term as previously extended by Public Law 87–668, Public Law 89–442, Public Law 90–141, Public Law 90–416, Public Law 91–147. S.J. Res. 230. P/S 8/17/70.

Customs Courts Act.—Modernized procedures in the Customs Court and related administrative processes in the Bureau of Customs so that the Court and the Bureau will be better able to cope effectively and expeditiously with their rapidly expanding workload. Public Law 91–271.

Federal Youth Corrections Act.—Amended the Federal Youth Corrections Act to permit examiners to conduct interviews with youth offenders. Public Law 91–339.

Immigration and Nationality Act amendments.—Facilitated the entry into the United States of certain classes of non-immigrant aliens and altered the provisions of the Act regarding the applicability of the two-year foreign residence requirement for aliens in the United States as exchange visitors. Public Law 91–225.

Immigration and Nationality Act amendments.—Struck from section 213 of the Immigration and Nationality Act the requirement that cash accepted by the Attorney General, under his discretionary authority to admit certain excludable aliens upon the giving of a bond or posting of cash, be deposited in the postal savings system and provided instead that the cash received as security on bonds be deposited in the Treasury with interest thereon payable at a rate not to exceed 3 percent per annum. Public Law 91–313.

Jurisdiction of U.S. courts—Contract claims.—Provided courts of the United States with jurisdiction over contract claims against the following nonappropriated fund activities: Army and Air Force Exchange Service; Navy, Marine Corps, and Coast Guard exchanges; and exchange councils of the National Aeronautics and Space Administration and required that the United States be reimbursed for any judgments it pays as a result of a contract claim against one of the specified instrumentalities of the United States. Public Law 91–350.

Mississippi District Court

Provided for holding terms of the United States District Court for the Southern District of Mississippi at Gulfport, Mississippi. S. 3122. P/S 6/26/70.

Provided for holding terms of the United States District Court for the Western Division of the Southern District of Mississippi at Natchez, Mississippi. S. 3225. P/S 8/20/70.

Newspaper Preservation Act.—Provided, under certain conditions, for exempting from the antitrust laws, price fixing, profit pooling, and market division by competing newspapers if not more than one newspaper involved is a newspaper other than one "in probable danger of financial failure" or at the time a joint newspaper operation was entered into not more than one of the newspapers involved "was likely to remain or become a financially sound publication." Public Law 91–353.

U.S. land titles.—Amends section 355 of the Revised Statutes, as amended, to provide that the Attorney General is to be responsible for the approval of the sufficiency of titles to land acquired by the United States and that he may delegate this authority to other departments and agencies subject to his general supervision and regulation; to preserve the existing law permitting the Tennessee Valley Authority to approve land titles as to land acquired by that Authority; and for other purposes. Public Law 91–393.

Voting Rights Act extension.—Extended the Voting Rights Act of 1965 for 5 years; extended the suspension of literacy tests and of other tests and devices to all states; limited residence requirements for voting in presidential elections by establishing nationwide, uniform standards for such elections; and lowered the voting age to 18 in Federal, State and local elections. Public Law 91–285.

Labor

Railroad Adjustment Board.—Amended the Railway Labor Act to revise the organizational structure of the first division of the National Railroad Adjustment Board made necessary by the merger of unions representing the trainmen, firemen, conductors, and switchmen into a new union, the United Transportation Union. Public Law 91–234.

Railroad retirement.—Provided for a tax on railroad employers to cover the costs of the supplemental annuity program for employees; placed that program on a permanent basis; and provided that any individual who renders service as an employee for compensation after the "supplemental annuity closing date" applicable to him will not be entitled to a supplemental annuity. Public Law 91–215.

Railroad Retirement Act amendments.—Amended the Railroad Retirement Act of 1937 to provide temporarily (until June 30, 1972) a 15 percent increase in annuities retroactive to January 1, 1970; provided that a study of the railroad retirement system and its financing shall be made by a 5-member Commission which is to submit its recommendations to the President and to Congress no later than July 1, 1971; and, in order to produce additional income for the retirement account, provided for a change in the procedure under which special obligations issued to the retirement account are redeemed to make benefit payments, as well as a change in the interest computation rate on obligations to the account. Public Law 91–377.

Railway labor-management dispute.—Prevented a nationwide strike on railroads throughout the United States scheduled to occur at midnight, March 3, 1970, and provided that for the 37-day period beginning with the enactment of this legislation (until April 11, 1970), strikes and lockouts occurring as a result of this dispute were prohibited. Public Law 91–203.

Railway labor-management dispute.—Prevented a nationwide strike on railroads throughout the United States which was previously prohibited by Public Law 91–203 by putting into effect a "memorandum of understanding," dated December 4, 1969, which memorandum was agreed to by the railroads and negotiators for the four shopcraft unions involved in the dispute and which is subject to renegotiation commencing September 1, 1970, for changes effective on or after January 1, 1971. Public Law 91–226.

Memorials and Tributes

Apollo 13 astronauts.—Expressed the Senate's commendation of the Apollo 13 astronauts—James Lovell, John L. Swigert, Jr., and Fred W. Haise, Jr.—for their fortitude and courage; extended support to their families, friends and all involved in their mission; and urged all who wished to and could comply to pause at 9 p.m., April 14, 1970, to ask the help of God in assuring the safe return of

the astronauts. S. Res. 388. Senate adopted. 4/14/70.

Commendation of heroism of airline pilots.—Expressed the sense of the Senate that Eastern Airlines Captain Robert M. Wilbur, Jr., and his co-pilot, the late James E. Hartley, be commended for their heroic action in averting a major air disaster on March 17, 1970. S. Res. 375. Senate adopted 3/24/70.

Everett McKinley Dirksen Building.—Named the existing Federal Office Building and United States Courthouse in Chicago, Illinois, in memory of the late Everett McKinley Dirkson, who served as a Member of Congress from Illinois from 1933 to 1969. Public Law 91–237.

Goddard Rocket and Space Museum.—Provides congressional recognition of the Goddard Rocket and Space Museum of the Roswell Museum and Art Center, Roswell, New Mexico, as a fitting memorial to Dr. Robert H. Goddard, an outstanding pioneer in American rocketry. S. Con. Res. 49. Senate adopted 4/7/70. H. Cal.

Harry S. Truman Dam and Reservoir, Missouri.—Renamed the Kaysinger Bluff Dam and Reservoir, Osage River Basin, Missouri, in honor of the 33rd President of the United States, the Honorable Harry S. Truman. Public Law 91–267.

Honor America Day.—Granted Congressional recognition to the importance of the July 4, 1970, Honor America Day celebrations and called upon the people of the United States to observe such celebrations with appropriate ceremonies and activities. H. Con. Res. 669. House adopted 6/29/70. Senate adopted 7/1/70.

Jose Antonio Navarro commemorative medals.—Authorized the Secretary of the Treasury to strike and furnish to the San Antonio Conservation Society, without cost to the Federal Government, not more than 100,000 medals in commemoration of the many contributions to the founding and early development of the State of Texas and the city of San Antonio by Jose Antonio Navarro. Public Law 91–244.

Mary McLeod Bethune Memorial.—Extended for 4 years the existing authority for the erection in the District of Columbia of a memorial in honor of Mary McLeod Bethune, a prominent Negro educator, and in commemoration of the 100th anniversary of the signing of the Emancipation Proclamation. Public Law 91–277.

Newt Graham Lock and Dam.—Designates lock and dam No. 18 on the Verdigris River, Oklahoma, as the Newt Graham lock and dam, and the lake created thereby as the Newt Graham Lake, in honor of Newton R. Graham who contributed to the comprehensive development of the Arkansas River Basin. S. 1500. P/S 5/25/70.

Ohio Northern University commemorative medals.— Authorized the Secretary of the Treasury to strike and furnish to Ohio Northern University not more than 16,000 national medals commemorating the 100th anniversary of the founding on August 15, 1871, of Ohio Northern University, located in Ada, Ohio. Public Law 91–381.

Ohio Northern University's 100th anniversary.—Extended Congress' congratulations and greetings to Ohio Northern University on the occasion of the 100th anniversary of its founding. H. Con. Res. 575, House adopted 4/29/70. Senate adopted 6/26/70.

Ohio State University's 100th anniversary.—Extended Congress' congratulations and greetings to Ohio State University on the occasion of the 100th anniversary of its founding. H. Con. Res, 573. House adopted 4/29/70, Senate adopted 6/26/70.

Peruvian earthquake.—Extended the sympathy of the Senate to the President and the people of Peru in the hour of their suffering and distress resulting from an earthquake on May 31, 1970, causing loss of thousands of lives and destruction or devastation of many towns and villages, rendering homeless and destitute many thousands of people. S. Res. 424. Senate adopted 6/29/70.

Pick-Sloan Missouri River Basin program.—Designates the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri Basin program in honor of W. G. Sloan and General Lewis A. Pick who contributed to the development of the water resources of the Nation and the Missouri River Basin. S. 1100. P/S 5/25/70.

Senate Majority Leader Mike Mansfield.—Extended to Mike Mansfield the gratitude and admiration of the Senate for his outstanding performance as a Senator and as a Majority Leader, whereas he completed, on June 19, 1970, 9 years and 167 days as Majority Leader of the United States Senate, a period of service exceeding that of any previous Majority Leader in the history of the United States Senate. S. Res. 423. Senate adopted 6/25/70.

Stone Mountain Memorial medals.—Authorized the Secretary of the Treasury to strike and furnish to the Stone Mountain Memorial Foundation, without cost to the Federal Government, not more than 500,000 medals in commemoration of the completion of the carvings on Stone Mountain, Georgia, depicting heroes of the Confederacy. Public Law 91–254.

Tribute to Gen. Omar N. Bradley and allied World War II victory in Europe.—Expressed the sense of Congress that, on the occasion of the 25th anniversary of V-E Day, and the formal opening of the General Omar N. Bradley historical collection, appropriate ceremonies be conducted at Carlisle Barracks, Pennsylvania. H. Con. Res. 207. House adopted 5/19/69. Senate adopted 2/10/70.

U.S.S. "Utah".—Authorizes the Secretary of the Navy to take such action as is necessary to provide for erection of a flagpole on the remains of the battleship, U.S.S. "Utah", the flying of the American flag over the remains of such battleship and the raising and lowering of such flag each day—such action in honor of the heroic men entombed in her hull on December 7, 1941. S. 583. P/S 7/10/70.

William "Bill" Dannelly Reservoir, Alabama.—Changes the name of the Millery Ferry lock and dam, Alabama River, Alabama, as a tribute to Judge William "Bill" Dannelly, for his role in the development of the water resources of the Alabama-Coosa River Basin. S. 528. P/S 5/22/70.

William G. Stone Navigation Lock, California.—Designates the lock on the Sacramento deepwater ship channel in the State of California as the William G. Stone navigation lock in honor of the late William G. Stone, whose efforts contributed so much to the development of this important project. S. 3192. P/S 7/21/70.

Nominations (Action by Rollcall Vote)

Harry A. Blackmun to be an Associate Justice of the Supreme Court of the United States.—Nomination confirmed 5/12/70 (94–0).

George Harrold Carswell to be an Associate Justice of the Supreme Court of the United States.—Nomination rejected 4/8/70 (45–51).

Adm. Thomas H. Moorer to be Chairman of the Joint Chiefs of Staff for a term of two years.—Nomination confirmed 6/17/70 (78–2).

Proclamations

American prisoners of war and servicemen missing in action in Southeast Asia.—Expressed the sense of Congress that May 1, 1970, be commemorated as a day for an appeal for international justice for all American prisoners of war and servicemen missing in action in Southeast Asia; that avenues be sought to insure treatment of these men in accord with the Geneva Convention standards; that every possible effort be made to secure their early release from captivity; and that the President designate Sunday, May 3, 1970, as a National Day of Prayer for humane treatment and the same return of these brave Americans. H. Con. Res. 582. House adopted 4/23/70. Senate adopted 4/27/70, amended. House agreed to Senate amendments 4/28/70.

Clean Waters for America Week.—Authorizes the President to issue annually a proclamation designating the first full calendar week in May of each year as "Clean Waters for America Week." S.J. Res. 172. P/S 2/17/70.

International Clergy Week.—Authorized and directed the President to issue a proclamation designating the week commencing February 1, 1970, as "International Clergy Week in the United States." Public Law 91–192.

International Petroleum Exposition.—Authorizes and requests the President to invite by proclamation or otherwise the States and foreign nations to participate in the International Petroleum Exposition to be held in Tulsa, Oklahoma, from May 15 through May 23, 1971, for the purposes of exhibiting machinery, equipment, supplies, and other products used in the production and marketing of oil and gas and bringing together buyers and sellers for the promotion of foreign and domestic trade and commerce for such products. S.J. Res. 127. P/S 2/17/70.

Mineral Industry Week.—Authorized and requested the President to issue a proclamation designating the period of February 13–19, 1970, as "Mineral Industry Week." Public Law 91–195.

National Arbor Day.—Authorized the President to proclaim the last Friday of April 1970 as "National Arbor Day" and called upon the people of the United States to observe such day with appropriate ceremonies and activities. Public Law 91–236.

National Machine Tool Week.—Authorized the President to designate the period beginning September 20, and ending September 26, 1970, as "National Machine Tool Week." Public Law 91–395.

National Park Centennial Year.—Requested the President to issue a proclamation designating 1972 as "National Park Centennial Year" and created a special commission to prepare and execute the plans for the commemoration of the 100th anniversary of the establishment of the world's first national park, Yellowstone, on March 1, 1872. Public Law 91–332.

Resource Buildup

Anadromous Fish Conservation Act amendments.—Extended and expanded the program for the conservation, development, and enhancement of the Nation's anadromous fish and the fish in the Great Lakes that ascend streams to spawn; and authorized for the program $6 million, $7.5 million, $8.5 million and $10 million for fiscal years 1971, 1972, 1973, and 1974, respectively. Public Law 91–249.

Arches National Park, Utah.—Establishes the Arches National Park in the State of Utah, consisting of some 73,154 acres, the greater part of which are now in Federal ownership, and protects, for a limited period, existing uses respecting grazing and the trailing and watering of livestock, S. 532. P/S 7/1/70.

Canyonlands National Park, Utah.—Extends the boundaries of the Canyonlands National Park by adding to the park approximating 257,640 acres four additional tracts which, for the most part, are public lands totaling approximately 79,618 acres. S. 26. P/S 7/15/70.

Cape Cod National Seashore, Massachusetts.—Authorized the appropriation of an additional $17,401,000 to assure the acquisition of all remaining non-Federal lands needed to make the Cape Cod National Seashore a meaningful unit of the national park system. Public law 91–252.

Capitol Reef National Park, Utah.—Establishes the Capitol Reef National Park in the

State of Utah and provides for a total park area of 230,837 acres. S. 531. P/S 7/1/70.

Central and Western Pacific Tuna Fishery Development Act.—Authorizes the Secretary of the Interior to institute a 3-year program for the development of latent tuna resources of the central and western Pacific and authorizes to be appropriated for the period July 1, 1970, to June 30, 1973, the sum of $3 million to remain available until expended. S. 3176. P/S 5/22/70.

Classification and Multiple Use Act and the Public Land Sale Act extensions.—Extends the Classification and Multiple Use Act and the Public Land Sale Act for a period of 5 years to December 31, 1975. S. 3728. P/S 7/8/70.

Clean Air Act and Solid Waste Disposal Act extensions.—Extended the authorization for the Clean Air Act and Solid Waste Disposal Act programs for 60 days through August 31, 1970, at their present level. Public Law 91–316.

Extends the authorization for the Clean Air Act and Solid Waste Disposal Act programs at their present level through November 30, 1970. S. 4319. P/S 9/1/70.

Coral reefs conservation.—Authorizes the Secretaries of Interior and the Smithsonian Institution to expend $4.5 million until June 30, 1970 in cooperation with the territories of Guam, American Samoa, the Trust Territory of the Pacific Islands, other United States territories in the Pacific Ocean, and the State of Hawaii, for the conservation of their protective and productive coral reefs. The bill is designed to control the devastating crown of thorns starfish which has been destroying coral reefs. S. 3135. P/S 4/27/70. H. Cal.

Craters of the Moon National Monument, Idaho.—Designates 40,785 acres of the Craters of the Moon National Monument in Idaho as part of the national wilderness preservation system, pursuant to provisions of the wilderness act (Public Law 88–577). S. 1732. P/S 6/15/70.

East Greenacres Unit, Rathdrum prairie project, Idaho.—Authorized construction, operation, and maintenance of the East Greenacres unit of the Rathdrum Prairie Reclamation Project in northwest Idaho, which unit would supply irrigation water to 5,230 acres and municipal and industrial water, and provide fish and wildlife conservation and public recreation benefits. Public Law 91–286.

Everglades National Park, Florida.—Provides for acquisition by the National Park Service of the remaining inholdings within the Everglades National Park boundaries consisting of some 58,400 acres of privately owned lands and for such land purchases authorizes an additional $20 million. S. 2565. P/S 7/10/70.

Falls of the Ohio Interstate Park Compact.—Granted the consent of Congress to the Falls of the Ohio Interstate Park Compact to carry out an agreement between Indiana and Kentucky 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, Indiana, and Jefferson County, Kentucky, and to create a six-member commission to operate the park. Public Law 91–390.

Federal Water Pollution Control Act amendments.—Amended the Federal Water Pollution Control Act to declare a U.S. policy that there should be no oil discharges into navigable waters of the U.S., adjoining shorelines or waters of the contiguous zone; to authorize the President to determine by regulation what harmful quantities of oil cannot be discharged without violation of the Act, and to designate those discharges, other than oil, which constitute dangerous substances; to provide penalties for failure to give proper notification of a knowing discharge of oil and violation of restrictions; to authorize the President to act to remove oil unless properly done by the responsible owner or operator; to provide for a National Contingency Plan for removal of oil; to provide, in the event a marine disaster has created a substantial threat of a pollution hazard, for removal of the threat; and, unless an act of God, war, U.S. government negligence or an act or omission of a third party be shown, liability to the U.S. for a discharge shall be not to exceed $100 per gross ton or $14 million, whichever is lesser, for a vessel and $8 million for an onshore or offshore facility, unless the discharge resulted from willful negligence or misconduct, when there shall be full liability for the costs. The Act also includes provisions for control of sewage from vessels, area acid and other mine water pollution control demonstrations; pollution control in the Great Lakes; training grants and contracts with institutions for training in water quality control; Alaska village demonstration projects; cooperation by all federal agencies in the control of pollution; and establishment of an Office of Environmental Quality. Public Law 91–224.

Fisheries loan fund extension.—Amended the Fish and Wildlife Act of 1956 to extend the life of the fisheries loan fund an additional 10 years, from June 30, 1970, until June 30, 1980. Public Law 91–387.

Ford's Theatre National Historic Site.—Designated Ford's Theatre, the Lincoln Museum, and the House Where Lincoln Died, as the Ford's Theatre National Site, and added to that complex certain property in the District of Columbia adjacent to the Theatre. Public Law 91–288.

Glen Canyon National Recreation Area, Arizona and Utah.—Affords permanent, statutory protection to the scenic Glen Canyon National Recreation Area, which is presently administered under an Executive Order. S. 27. P/S 7/15/70.

Golden eagle program.—Renewed until December 31, 1971, the Golden Eagle passport program but increased from $7 to $10 the annual cost of the permit allowing entry into Federally administered outdoor recreation areas and provided advance contract authority to enable Federal agencies to acquire land for outdoor recreation. Public Law 91–308.

Historic properties.—Extended the national historic preservation program established by Congress in 1966 (Public Law 89–655) and authorized appropriations of $7 million, $10 million and $15 million for fiscal years 1971, 1972 and 1973, respectively; provided for an increase in the size of the Advisory Council on Historic Preservation; authorized limited United States participation in the International Centre for the Study of the Preservation and Restoration of Cultural Property, and in this connection, authorized a maximum appropriation of $100,000 in each of fiscal years 1971, 1972, and 1973. Public Law 91–243.

Homestead National Monument, Nebraska.—Provides for the addition of the Freeman School and the 1.2 acres of land on which it is situated to the Homestead National Monument of America in Nebraska. S. 58. P/S 4/27/70.

Hudson River compact negotiations.—Extended until 1973 provisions of the act of September 26, 1966, which expired on September 26, 1969, with respect to applications for a license for an activity which may affect the resources of the Hudson Riverway and required the Secretary of the Interior to report on the progress of the negotiations on the Hudson River Compact by July 1, 1970, and annually thereafter. Public Law 91–242.

Lake Tahoe, Nevada and California.—Authorizes the Secretary of the Interior to study the feasibility and desirability of establishing a national lakeshore on Lake Tahoe in the States of Nevada and California with the objective of providing legislation to preserve in perpetuity the superb scenic and recreational facilities available in the Lake Tahoe area. S. 2208. P/S 5/13/70. H. Cal.

Marine Resources and Engineering Development Act amendments.—Designed to extend to June 30, 1971 the National Council on Marine Resources and Engineering Development which expired on June 30, 1970. S. 3617. P/S 7/10/70. H.R. 16607. H. Cal.

Middle Snake River.—Suspends for 8 years the authority of the Federal Power Commission to accept applications or grant licenses or permits under the Federal Power Act for the construction of hydroelectric power projects on the reach of the Middle Snake River extending along the Idaho-Oregon and Idaho-Washington borders for 100 miles between the existing Hells Canyon Dam and the authorized Asotin Dam. S. 940. P/S 5/15/70.

Missouri River Basin.—Authorized appropriations of $32 million for fiscal years 1971 and 1972 (including $13,838,000 in the fiscal year 1971 budget) to continue the program of the Bureau of Reclamation for investigations and construction of the comprehensive plan for the Missouri River Basin project. Public Law 91–218.

Missouri River Basin project, Minot extension, Garrison diversion unit, North Dakota.—Authorizes construction, operation, and maintenance of the Minot extension of the Garrison diversion unit, Missouri River Basin project. S. 2808. P/S 7/10/70. P/H amended 9/10/70.

Mount Baldy, Pine Mountain, and Sycamore Canyon wilderness, Arizona.—Designates areas in three national forest primitive areas in Arizona as the Mount Baldy Wilderness, the Pine Mountain Wilderness, and the Sycamore Canyon Wilderness, as part of the national wilderness preservation system, in accordance with the provisions of the Wilderness Act of September 3, 1964. S. 710. P/S 6/12/70.

Narrows Unit, Missouri River Basin Project, Colorado.—Authorized construction, operation, and maintenance of the Narrows unit of the Missouri River project, which would be located on the South Platte River in northwestern Colorado to supply supplemental irrigation water to 166,370 acres and to provide flood control, fish and wildlife conservation, and recreation benefits and potential future municipal and industrial water supplies; authorized $68,050,000 for construction of the Narrows unit. Public Law 91–389.

National park system administration.—Updated and clarified the law with respect to the administration by the Secretary of the Interior of the various units of the national park system. Public Law 91–383.

Pacific Marine Fisheries Compact amendments.—Granted the consent and approval of the Congress to amendments to the Pacific marine fisheries compact as follows: by recognizing the adherence of the States of Idaho and Alaska to the compact in addition to the three original member States (California, Oregon, and Washington); modifying the reference to the Pacific Ocean by the additional wording "and adjacent waters" in recognition of the State of Alaska's jurisdiction over the Bering Sea; and providing a more equitable way of apportioning costs of the activities of the Pacific Marine Fisheries Commission. Public Law 91–315.

Point Reyes National Seashore, California.—Authorized the appropriation of an additional $38,365,000 to assure the acquisition of all remaining non-Federal lands needed to make the Point Reyes National Seashore a meaningful unit of the national park system. Public Law. 91–223.

Public ownership of lands in Federal reclamation projects.—Clarified the acreage limitation provisions of the Federal reclamation laws with respect to lands owned by a State or local government entity or subdivision. Public Law 91–310.

Resource Recovery Act of 1970.—Amends the Solid Waste Disposal Act to emphasize recycling, local planning, and training func-

tions; authorizes research programs of $31.5 million, $40.5 million, $40 million and $38.5 million for fiscal years 1971, 1972, 1973 and 1974, respectively; replaces 50 percent State grants for planning activities with 66⅔ percent grants to single municipalities and States, and 75 percent grants for planning solid waste programs in the area of more than one municipality or State; provides that grants may be used for (1) making surveys of solid waste problems, (2) preparing solid waste disposal plans for the area (especially those emphasizing recycling), (3) developing proposals for demonstration system grants, and (4) preparing plans for collecting and recovering abandoned motor vehicle hulks; provides for grants to varying sizes of communities to demonstrate resource recovery systems and authorizes therefor annual appropriations of $20 million, $30 million, $50 million and $55 million for fiscal years 1971, 1972, 1973, and 1974, respectively; directs the Secretary of Health, Education and Welfare to prepare guidelines on solid waste management practices for circulation to State and local governments and requires him to recommend model codes and ordinances and issue technical information on solid waste and resource recovery methods to solid waste agencies; provides training grants to assist in the development of personnel trained in the design, operation and maintenance of solid waste disposal and recovery equipment and systems; requires Federal installations and federally licensed activities to meet solid waste guidelines; authorizes a two-year study to create a system of national disposal sites for hazardous materials; creates and authorizes $2 million for a National Commission on Materials Policy which is to make a report by June 30, 1973; authorizes $2 million for a 2-year study of issues in resource recovery; and authorizes such sums as may be necessary through June 30, 1964 to carry out the purposes of the Act, excluding those funds specifically provided therein. H.R. 11833. P/H 6/4/70. P/S amended 8/3/70.

River basin plans and civil works.—Authorized additional appropriations of $810 million to cover a period of two years ending calendar year 1971 for certain comprehensive river basin plans previously approved by Congress for flood control, navigation, and other purposes. Public Law 91–282.

Riverton extension unit of the Missouri River Basin project, Wyoming.—Consolidates the Riverton reclamation project, presently in operation, and the lands of the former Riverton extension unit of the Missouri River Basin Project now in Federal ownership within a single authorized unit of the Missouri River Basin Project to provide a new repayment plan for the entire unit including necessary rehabilitation and betterment of existing facilities, write-off of costs associated with the development of lands found to be nonproductive, and provision of repayment assistance from power revenues of the Missouri River Basin Project. S. 434. P/S 4/27/70. P/H amended 9/10/70.

Rogue River Basin project, Oregon.—Authorized the construction, operation, and maintenance of the Merlin division, Rogue River Basin reclamation project in Josephine County, Oregon, which division is a multiple-purpose water resource development serving irrigation water to more than 9,000 acres, for public outdoor recreation, fish and wildlife conservation, area redevelopment, and flood control. Public Law 91–270.

Saline water conversion program.—Authorized an appropriation of $28,873,000 for fiscal year 1971 to continue the desalting research program of the Office of Saline Water, Department of the Interior. Public Law 91–221.

Toiyabe National Forest, Nevada.—Extended the boundaries of the Toiyabe National Forest to include 12,920 acres along the Nevada side of Lake Tahoe to aid in the protection and management of the various resources of the area, including the protection, improvement, and maintenance of the watershed, wildlife, recreation, and natural environment values of the lands in the Lake Tahoe Basin, and to promote the management and protection of these lands under the principles of multiple use and sustained yield. Public Law 91–372.

Touchet-Walla Walla project, Oregon-Washington.—Authorized $22,774,000 for the construction and operation of the Touchet division of the Walla Walla reclamation project in southeastern Washington which will supply irrigation water to approximately 9,960 acres of land. Public Law 91–307.

Volunteers in the park program—establishment.—Authorized the Secretary of the Interior to enlist the services of volunteers in programs directly related to the public service mission of the National Park Service and authorized $100,000 annually for this purpose. Public Law 91–357.

Water Resources Research Act amendments.—Amends the Water Resources Research Act to increase the amount authorized to be appropriated for a water resources research center in each of the States from $100,000 to $200,000 annually for each center; provides for the establishment of information retrieval and dissemination activities at each research center; and makes the District of Columbia, Guam, and the Virgin Islands eligible to receive grants. S. 3553. P/S 9/1/70.

Wichita Mountain Wilderness, Oklahoma.—Places 8,900 acres of the 59,000 acre Wichita Mountains National Wildlife Refuge in Oklahoma within the National Wilderness Preservation System, including the 5,000 acre Charons Garden Unit and the 3,900 acre North Mountain Unit. S. 3222. P/S 4/27/70.

Youth Conservation Corps.—Established a 3-year pilot Youth Conservation Corps program for young men and women, 15 through 18 years of age, who would participate in summer work and educational projects in our national parks, forests, recreation areas, wildlife refuges and other public lands administered by the Departments of Interior and Agriculture. Public Law 91–378.

Yuma Mesa irrigation district, Arizona.—Amends Public Law 394, 84th Congress, to authorize for the Yuma Mesa Irrigation District, Gila Project, Arizona, "irrigation works and facilities" to be constructed in addition to drainage facilities and to authorize the existing repayment contract to be amended accordingly. S. 2882. P/S 3/18/70. P/H amended 9/10/70.

Space

NASA authorization, 1971.—Authorized the appropriation of $3,410,878,000 for fiscal year 1971 to the National Aeronautics and Space Administration ($2,693,100,000 for research and development, $34,478,000 for construction of facilities, and $683,300,000 for research and program management). Public Law 91–303.

National Aeronautics and Space Council.—Provided that the Secretary of Transportation shall be a member of the National Aeronautics and Space Council. H.R. 16539. Public Law 91– .

Taxation

Discriminatory State taxation of interstate carriers.—Eliminates the long-standing burden on interstate commerce resulting from discriminatory State and local taxation of common and contract carrier transportation property by (a) amending the Interstate Commerce Act to declare unlawful as an unreasonable and unjust discrimination against and an undue burden upon interstate commerce, a State or local tax rate, assessment, or collection upon the transportation property of a common or contract carrier at a higher level than upon property in the same taxing district, and (b) procedurally, by providing a remedy in the Federal courts for common and contract carriers against the collection of the excessive portion of any tax based upon such unlawful assessment or rate. S. 2289. P/S 1/30/70.

Duty Suspensions

Copper.—Continued from July 1, 1970, through June 30, 1972, the present suspension of duties applicable to unwrought copper (except nickel silver), copper waste and scrap, and copper articles imported to be used in remanufacture by melting; and continued the suspension of the additional duties applicable to the copper content of certain copperbearing ores and materials for the same period. Public Law 91–298.

Dyeing and tanning materials.—Continued for 3 years, until the close of September 30, 1972, the period during which certain dyeing and tanning materials may be imported free of duty. Public Law 91–388.

L-Dopa.—Amended the Tariff Schedules of the United States by adding a new item to suspend for a period of 2 years the duty on L-Dopa, a new drug used in the treatment of Parkinsonism. Public Law 91–309.

Manganese ore.—Continued until June 30, 1973, the existing suspension of duties on manganese ore. Public Law 91–306.

Employment security amendments.—Extended coverage of the unemployment compensation program to more than 4.7 million additional jobs; established a permanent program of extended benefits for people who exhaust their regular State benefits during periods of high unemployment; improved the financing of the unemployment compensation program; and made other changes to strengthen the unemployment compensation system. Public Law 91–373.

U.S.S. "Pueblo" crew—Taxes.—Provided that, for purposes of the Internal Revenue Code of 1954, members of the crew of the U.S.S. "Pueblo" who were illegally detained during 1968 by the Democratic People's Republic of Korea shall be treated as serving in a combat zone and will receive an exclusion from income tax for their pay for service in the Armed Forces; waived unpaid income taxes and Federal death taxes for the member of the crew killed during this period; and extended the time for filing tax returns, paying taxes, etc. for all personnel on the ship. Public Law 91–235.

Transportation and Commerce

Accessibility of public facilities to physically handicapped.—Provided that buildings and structures which must be used by the general public such as subway stations and surface stations constructed under the authority of the National Capital Transportation Acts of 1960 and 1965, or title III of the Washington Metropolitan Area Transit Regulation Compact, be so designed and constructed as to be accessible to the psysically handicapped. Public Law 91–205.

Airport and Airways Development Act.—Provided for the expansion and improvement of the Nation's airport and airway systems; repealed the Federal Airport Act; required the Secretary of Transportation to formulate and recommend to Congress within one year a national transportation policy; established a Presidential Aviation Advisory Commission; authorized expenditures of $75 million for planning grants, at $15 million each year; $250 million for air carrier and reliever airport development for each of 5 fiscal years beginning in fiscal year 1971, and $30 million for non-air carrier airport development for each of such fiscal years, and beginning in fiscal year 1971, contract authority up to $840 million for 5 fiscal years, with each obligation of $280 million restricted to 3 years, and $250 million for air navigation facilities for each of 5 fiscal years; imposed new or increased user taxes as follows: 7 cents a gallon tax on gasoline and other fuels used in non-commercial aviation; 8 percent on gross amounts of domestic airline passenger fares; 5 percent tax on air

freight waybills; $3 tax per person using international travel facilities; an annual civil aircraft user tax, plus an additional poundage tax in the case of certain aircraft. Revenues from the aviation user taxes are to be placed in a new Airport and Airway Trust Fund similar in nature to the existing Highway Trust Fund. Public Law 91–258.

Aviation war risk insurance extension.—Extended the authority to provide aviation war risk insurance and reinsurance under title XII of the Federal Aviation Act of 1958 for 5 years through September 7, 1975. Public Law 91–399.

Cruise ship regulations.—Amended the Merchant Marine Act of 1936, as amended, to eliminate certain provisions of existing law which unnecessarily restrict cruise operations of subsidized American-flag passenger vessels, to enable these vessels to compete more effectively with foreign-flag passenger vessels, and to vest permissive authority in the Secretary of Commerce to make available regularly scheduled vessel passenger service to the public, including service in some areas which now have none. Public Law 91–250.

Federal Low-Emission Vehicle Procurement Act.—Channels and augments the motor vehicle procurement expenditures of the Federal Government in such a way as to stimulate the development, production and distribution of motor vehicle propulsion systems which emit few or no pollutants; seeks to achieve this stimulation by requiring the Federal Government to purchase available low-emission vehicles in lieu of other vehicles, thereby creating a guaranteed market which additionally provides controlled conditions for field testing of new concepts in automotive propulsion; authorizes annual appropriations of $50 million to carry out the provisions of this Act. S. 3072 P/S 3/26/70.

Fishing fleet improvement.—Extended and broadened the construction asistance program under the United States Fishing Fleet Improvement Act to include reconditioning, conversion, and remodeling; increased the authorization for appropriations from $10 million annually to $20 million for fiscal years 1970, 1971, and 1972; provided for a class differential rather than the present individual determination, and eliminated several time-consuming provisions resulting in savings of time and administrative costs. Public Law 91–279.

High-Speed Ground Transportation Act extension.—Extends the High-Speed Ground Transportation Act for an additional year, until June 30, 1972, and authorizes $21,700,000 for fiscal year 1971. S. 3730. P/S 7/30/70. H.R. 17538. H. Cal.

International Travel Act amendment.—Amends the International Travel Act of 1961 in order to improve the balance of payments by further promoting travel to the United States; provides Federal grants to assist States, cities, and regional groupings of States in attracting foreign visitors, and sets the Federal share of cost of any relevant program at 50 percent of its cost; establishes in the Commerce Department a United States Travel Service to be headed by an Assistant Secretary of Commerce for Tourism (to replace the present Travel Service headed by a Director); creates a National Tourism Resources Review Commission to study and make recommendations to the President and Congress regarding travel needs and policies and authorizes $1,250,000 for this purpose; and authorizes appropriations of $15 million for each of fiscal years 1971, 1972 and 1973 to carry out the provisions of the Act. S. 1289. P/S 3/26/70. H.R. 14685. P/H 5/14/70; P/S amended 5/21/70. Senate agreed to conference report 7/15/70. House rejected conference report 7/16/70.

Maritime authorization, 1971.—Authorized the appropriation of $429,420,000 to the Maritime Administration for the fiscal year 1971 ($199,500,000 for acquisition, construction or reconstruction of vessels, and construction—differential subsidy and cost of national defense features incident to the construction, reconstruction or reconditioning of ships; $193 million for payment of obligations incurred for shipping operation subsidies; $19 million for research and development expenses; $4,675,000 for reserve fleet expenses; $6.8 million for operation of the Merchant Marine Academy at King's Point, New York; $2,445,000 for financial assistance to State marine schools; and $4 million for continued operation of the nuclear ship "Savannah"). Public Law 91–247.

National Traffic and Motor Vehicle Safety Act amendments.—Authorized appropriations of $23 million for fiscal year 1970 and $40 million for each of fiscal years 1971 and 1972; broadened the definition of "motor vehicle equipment" to include related automotive safety devices used exclusively to safeguard motor vehicles and passengers, and other highway users from risk of accident, injury or death; provided that the Secretary of Transportation obtain information relating to agricultural tractor safety and report findings and recommendations thereon to Congress; and amended the act in several other respects. Public Law 91–265.

Political broadcasting.—Amends section 315 of the Communications Act of 1934, as amended, to repeal the equal-time broadcasting requirement relative to presidential and vice-presidential candidates; limits the charges for use of broadcasting stations by candidates for public office to no more than the station's lowest unit charge for the same amount of time; and places a ceiling of $20,000 on the amount candidates for Federal elective office, or others on their behalf, may spend on electronic media in a general election. S. 3637. P/S 4/14/70. P/H amended 8/11/70. Conference report filed 8/13/70.

Public Broadcasting Financing Act of 1970.—Amends the Communications Act of 1934 to authorize annual appropriations of such sums as may be necessary for fiscal years 1971, 1972 and 1973 for the continued financing of the Corporation for Public Broadcasting, and to direct the Federal Communications Commission to prescribe regulations for broadcast stations receiving assistance under Title II of the Public Broadcasting Act. S. 3558. P/S 5/19/70. P/H 9/10/70.

Rail Passenger Service Act of 1970.—Establishes a National Rail Passenger Corporation to provide for the operation of passenger trains, to commence service on March 1, 1971, and authorizes for fiscal year 1971 appropriations of $40 million to the corporation, as well as a guarantee of $60 million in 20-year loans to the corporation to finance the upgrading of roadbeds and the purchase and rehabilitation of rolling stock and for other corporate purposes. The bill also authorizes the appropriation of $75 million for loans or loan guarantees to provide emergency financial assistance for railroads operating passenger service. S. 3706. P/S 5/6/70.

Railroad Safety Act and Hazardous Materials Transportation Control Act.—Designed to promote safety in all areas of railroad operation, to reduce railroad related accidents, and to reduce death and injuries to persons and to reduce damage to property caused by accidents involving any carrier of hazardous materials. S. 1933. P/S 12/19/69. P/H amended 8/6/70. In conference.

Shipper's recovery of a reasonable attorney's fee.—Puts the shipping public, especially small shippers, householders, and travelers in a more equal bargaining position with carriers in settlement negotiations for recovery of damages sustained in the transportation of property by permitting a successful plaintiff to recover his attorney's fees if he allowed the carrier a reasonable period of time to settle the claim. S. 1653. P/S 1/26/70.

Urban Mass Transportation Assistance Act.—Provides a Federal commitment for $10 billion in funds over a period of 12 years for urban mass transportation programs; authorizes the Secretary of Transportation to incur contractual obligations up to $3.1 billion for all authorized programs under the amended 1964 act, restricting disbursement by limitations from a maximum of $80 million prior to July 1, 1971, which is increased by specified limitations for subsequent years reaching a maximum of $1.86 billion on July 1, 1975, and $3.1 billion thereafter, with further authorization requests, and recommendations for adjustment in the schedule of liquidating appropriations, to be submitted by the Secretary at 2-year intervals before July 1, 1972 through 1982. Changes use of the discretionary fund from $12.5 million to 1.5 percent of the aggregate amount of funds authorized to be obligated, except that an additional 6 percent may be used if it shall not prejudice or delay pending projects of other States, but in such case no State shall receive more than 25 percent of the grant funds made available by the exception, and authorizes a new program of 1-year loans to States and local public bodies, and agencies thereof, for the acquisition of real property reasonably expected to be needed and used for urban mass transportation purposes within a reasonable period. S. 3154. P/S 2/3/70. H.R. 18185. H. Cal.

Veterans

Definition of "Child" for Veterans' Benefit Purposes.—Revised the definition of "child" for veterans' benefit purposes to recognize an adopted child as a dependent from the date of issuance of an interlocutory decree. Public Law 91–262.

Group Life Insurance.—Increased from $10,000 to $15,000 the amount of servicemen's group life insurance for members of the uniformed services. Public Law 91–291.

Medical Benefits for Older Veterans.—Provides that a veteran who is in receipt of a Veterans' Administration pension would no longer be required to sign under oath a statement of inability to defray the necessary expenses of hospital or domiciliary care in order to gain admission to a VA hospital for a non-service-connected disability. H.R. 693. P/H 6/2/69. P/S amended 10/21/69. House agreed to Senate amendment with an amendment 5/4/70.

Rcoupment of disability severance pay.—Liberalized the conditions under which the Administrator of Veterans' Affairs is required to effect recoupment from disability compensation otherwise payable to certain disabled veterans. Public Law 91–241.

Special health care benefits for certain surviving dependents.—Permits 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. S. 4148. P/S 8–14–70. H.R. 8413. P/H 2–16–70.

Specialized medical resources.—Provides greater flexibility in the Veterans Administration hospital and medical care program by providing the Administrator with greater administrative discretion in the appointment of nurses, in the internship and residency program, and in the appointment of dentists of high academic and research standing on a temporary full-time or part-time basis. H.R. 9634. P/H 6–2–69. P/S amended 10–21–69. House agreed to Senate amendments with amendments 5–4–70.

Veterans' Administration regional office in the Philippines.—Extended for 4 years, until July 3, 1974, the authority of the Veterans' Administration to operate and maintain a

regional office in the Philippines. Public Law 91-338.

Veterans' disability compensation increase.—Increased by 8 percent the compensation payments to veterans rated 10, 20 and 30 percent disabled; increased by 11 percent the compensation payments to veterans rated 50 percent to 90 percent disabled; increased by 12 percent the compensation payments for the totally disabled; increased the allowances to dependents of disabled veterans whose disability is rated at 50 percent or higher; made the compensation increases effective July 1970; established a presumption in the case of any veteran who served for 90 days and who was held as a prisoner of war for not less than 6 months during World War II, the Korean conflict or the Vietnam era that a disability suffered from dietary deficiencies, forced labor, or inhumane treatment is service connected if the disability is related to malnutrition, or if the veteran became psychotic within 2 years of separation from military service; permitted a remarried widow to revert to her earlier eligibility for compensation, pension and education benefits when her second marriage is ended by death or divorce; clarified Congressional intent that all decisions of the Administrator of Veterans' Affairs on questions of entitlement are final and not subject to judicial review. Public Law 91-376.

Veterans' Education and Training Amendments Act.—Increased by 34.6 percent the basic "GI bill" monthly educational assistance allowance rates for veterans, and the allowances for farm training and apprenticeship programs; increased by 22.7 percent the vocational rehabilitation training subsistence allowance; provided a special supplementary assistance allowance for educationally disadvantaged veterans; established a predischarge educational program to assist servicemen in preparing for future education while still on active duty; and expanded the veterans' outreach service program covering the Veterans Administration's counseling service to advise veterans of their entitlements and assist them in gaining employment. Public Law 91-219.

Welfare

Social security and railroad retirement benefits.—Extends for 4 months the period for States to assure aged, blind, and disabled social security beneficiaries who also receive welfare an increase of at least $4 in their combined income from social security and welfare, and accords similar treatment to increases in railroad retirement benefits which may become law in 1971. Public Law 91-306.

Mr. GRIFFIN. Will the distinguished majority leader yield?

Mr. MANSFIELD. I am delighted to yield to the Senator from Michigan.

Mr. GRIFFIN. I want to thank the majority leader, first of all, for making a copy of his speech available to me so that I could have the opportunity to look it over.

Obviously, as it is the President's prerogative to send such a message to Congress, it is certainly the prerogative of the majority leader to make such comments as he has this morning. It would not be surprising if he does not agree with the President in every respect and it would not be surprising if the minority leader does not agree with the majority leader insofar as some aspects of his comments are concerned.

I shall not take time to offer any rebuttal but would call attention to the fact that the minority leader has a statement also concerning the President's message. Because of the unusual situation this morning, he was not able to read the statement, but it will be submitted for the RECORD.

The minority leader's statement calls attention to the fact that many of the measures, particularly in the area of crime legislation, have been passed by the Senate. The President's message, as I read it carefully, speaks generally in terms of the failure by the Congress. I think that the leadership on both sides would agree that in some areas the Senate has been more active and more vigorous than the other body.

On the other hand, we must also face up realistically to the fact that legislation is not legislation until it is placed on the President's desk and he has an opportunity to sign it. Many times, even though a bill passes this body, it must come back, usually in the form of a conference report, after it clears the other body, so that sometimes there is further action the Senate has to take.

But the majority leader is perfectly correct in pointing out some areas where the Senate has done all it can possibly do, and it is up to the other body as to whether some of the bills become law.

I thank the majority leader for yielding to me.

Mr. MANSFIELD. I thank the distinguished Senator from Michigan. I thank the minority leader for his temperate and understanding remarks. What he says it true, so far as what the Senate has done is concerned. The joint leadership has tried its best to cooperate with the President.

I think the record of this body is outstanding and that the degree of cooperation has been excellent. I am very proud of all the Members of this body, both Republicans and Democrats, for the way they have accommodated themselves as far as they could to taking up this legislation.

Any proposals sent by the President will, I want to assure my distinguished friend, the acting minority leader, and the President, be given the consideration which they deserve. I do not and the Senate does not take Presidential recommendations lightly.

ORDER FOR CONTINUATION OF TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the unfinished business be not laid before the Senate and that the period for the transaction of routine morning business be extended briefly, with statements therein limited to 3 minutes.

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

THE SPACE PROGRAM

Mr. SPARKMAN. Mr. President, on September 10, there was published in the Anniston, Ala., Star an editorial entitled "Cutting the Space Muscle."

Not long ago, I made a few comments on the floor of the Senate regarding some of the disturbances being brought about by the drastic treatment of the space program.

This editorial deals with it in a practical and understandable way, pointing out, as I did previously, that a great part of the well known, historic Von Braun team is being broken up by the action that has been taken and that a great deal of unemployment has resulted.

Let me quote just one paragraph from the editorial:

One wonders what the reaction would be if a slump of similar scale hit a major industry such as auto or steel. It is difficult to imagine government or public showing so little urgency.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

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

CUTTING THE SPACE MUSCLE

Chagrin of the space-science community at the latest cut-backs in funds and programs is understandable enough.

The elimination of two more moon landings—down three now, not counting unsuccessful Apollo 13, from the original 10-mission schedule—will mean a savings of some $42 million, but also a rejuggling of lunar exploration priorities and the inevitable canceling of some treasured experiments.

But there are still four landings on the schedule through mid-1972, plus Skylab, the prototype space station in permanent orbit. And even after the congressional cuts, the space budget is still $3.2 billion for the current fiscal year, scarcely a starvation diet when a mounting federal deficit is going no one knows how high.

But there is more than projects and hardware to the space story. Viewed in human terms, the situation should be very disturbing indeed, and not only to the spacemen.

NASA chief Dr. Thomas O. Paine says the cuts mean 700 of his own people will have to go plus some 2,300 employes of the agency's civilian contractors.

No one, apparently, is immune from the ax. At least seven, and possibly more, of the German rocket experts brought to the United States a quarter of a century ago—the famed Wernher von Braun team, the naturalized founding fathers of the American space effort, so to speak—are among those being let out.

In a generally ailing aerospace industry—midsummer employment down more than a quarter of a million from a 1968 high of 1,418,000—the purely space segment stands out as a disaster area.

With NASA now down to about 30,000 and its civilian associates dropping to 142,000, according to Paine's estimate, total space employment has been cut in half. At Cape Kennedy two out of every five jobs are gone. All in a short three years.

This state of affairs is scarcely a secret. The media has kept us well informed of the laid-off engineers operating dairy stands, the mathematicians taking care of the house while wives work. In such individual terms, the situation is disturbing enough. In the mass, this waste of human resources is appalling.

One wonders what the reaction would be if a slump of similar scale hit a major industry such as auto or steel. It is difficult to imagine government or public showing so little urgency.

We have been brilliantly successful in placing men on the moon. We must be able to do better than this in utilizing the brain and muscle power that got them there.

EXECUTIVE SESSION

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Senate pro-

ceed to consider a nomination on the executive calendar.

The PRESIDING OFFICER (Mr. NELSON). Is there objection to the request of the Senator from Alabama?

There being no objection, the Senate proceeded to the consideration of a nomination on the executive calendar.

NATIONAL CREDIT UNION ADMINISTRATION

The assistant legislative clerk read the nomination of Herman Nickerson, Jr., of Maine, to be Administrator of the National Credit Union Administration.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

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

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

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

Mr. FANNIN obtained the floor.

CONCLUSION OF MORNING BUSINESS—DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, with the consent of the Senator from Arizona, that morning business be closed and that the unfinished business be laid before the Senate without the Senator from Arizona losing his right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The clerk will state the joint resolution by title.

The assistant legislative clerk read as follows: Calendar No. 1135 (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

The Senate resumed the consideration of the joint resolution.

UNANIMOUS-CONSENT REQUEST

Mr. GRIFFIN. Mr. President, I have discussed this matter with the majority leader, the acting majority leader, the distinguished Senator from West Virginia (Mr. BYRD), and others who have an interest one way or the other in the pending amendment which the junior Senator from Michigan offered on Friday with the cosponsorship of the Senator from Maryland (Mr. TYDINGS).

As best we can determine, there is no objection to a vote on that amendment tomorrow at 2 o'clock.

Mr. President, I ask unanimous consent that a vote on the pending amendment be taken tomorrow at 2:30 p.m.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, and I shall not object, would the Senator agree to amend his request to include 1 hour of controlled time beginning at 1:30 tomorrow afternoon, the time to be equally divided between the able acting minority leader and the Senator from Indiana (Mr. BAYH), the vote to occur at 2:30 tomorrow afternoon?

Mr. GRIFFIN. Mr. President, that is an excellent suggestion and I amend my request accordingly.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Michigan as modified?

Mr. BYRD of West Virginia. Mr. President, would the Chair withhold for just one moment?

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

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

Mr. FANNIN addressed the Chair.

The PRESIDING OFFICER. The unanimous-consent request is still pending before the Senate. Is there objection?

Mr. BAYH. Mr. President, reserving the right to object, I have a great feeling of camaraderie for the purpose the Senator from Michigan is trying to accomplish. I am very anxious to see his amendment come to a vote. I am hopeful that in the next hour or two we can reach an agreement by which the Senate can set a time certain, not just for the amendment of the Senator from Michigan, but also with respect to other possible amendments and final passage so we can put this matter behind us and move on with other business. I think the Senate should be given the right to vote on this matter.

It is to this end that with great reluctance I feel compelled to object to the unanimous-consent proposal of the Senator from Michigan. Later in the day, however, I may make the same proposal or a similar proposal, or be prepared to agree to a similar proposal.

The PRESIDING OFFICER. Objection is heard.

Mr. FANNIN. Mr. President, some of those beating the drums for the direct popular election amendment have pointed out that the matter has been discussed for decades.

In an editorial arguing for the direct election amendment, the Washington Evening Star pointed out:

> The proposal in fact has been examined and debated in the most pervasive depth by the foremost authorities during the past few years, time and again.

Yes, it is true that the idea of the direct popular election amendment is nothing new.

But the fact that the idea has been around for a long time is hardly any recommendation for it.

Indeed, I would like to point out that constitutional experts throughout the years of discussion have found numerous pitfalls in the proposal. That is why it has not been adopted before; that is why we should not endorse it now.

We have heard all these problems discussed here.

The amendment would encourage splinter parties and could destroy the two-party system.

The amendment would necessitate national control of every aspect of the electoral process.

There would be an irresistible temptation to electoral fraud.

We are trying to avoid any election crisis, but what would happen in an extremely close vote count where there might be calls for a national recount. There could be chaos.

All of these are valid arguments against the amendment.

But I am more concerned about what the amendment could do to the Federal system of government. This amendment would simply be another step in breaking down the State as a unit of our Government, at a time when we are trying to restore States to the rightful place in the American system.

Our Founding Fathers established the electoral college as an integral part of our federal system. Certainly there have been changes in the electoral college—and there should be more. But to abolish the concept entirely would be a change in the basic fiber of our Nation and a slap at the integrity of the States.

That is why I back the district plan. It would guarantee that each State would have two electoral votes which would go to the Presidential candidate winning the popular election within the State. Then, the winning candidate within each congressional district would get one more vote.

This would do away with the current "winner-take-all" system by which the presidential candidate polling the most votes within a State gets all that State's electoral votes. It also would bind the electoral votes to the candidate winning them.

From a practical standpoint, I do not see any likelihood a direct popular election amendment would ever be ratified by the necessary three quarters of the State legislatures even if it should make it through Congress.

Thirty-four States would lose influence in presidential elections if the direct amendment were ratified. Why should their legislatures approve such a proposal.

In my own State of Arizona, there would be a 29-percent loss of influence. Under the electoral college system, the State has reasonably close to 1 percent of the vote that chooses the President—the exact figure is 0.93 percent. But if the direct popular election concept were in force 2 years ago, Arizona would have had only two-thirds of 1 percent of a voice in this election.

This loss of influence in choosing the President would be accompanied inevitably by a decline in representation at the national conventions where candidates are selected and platforms written.

The amendment also would bring fundamental changes in campaigning. Presidential candidates would concen-

trate on the eastern corridor and the populous industrialized cities, ignoring the more sparsely settled areas.

It might be expected that Federal programs also would neglect the smaller States because they would have little political clout in choosing the executive branch.

Which brings us right back to one of the issues debated by framers of our Constitution nearly two centuries ago. I think we should maintain the concepts of that Constitution, even though we may have to make some simple technical adjustments in it occasionally.

NO GREATER FRAUD INCENTIVE UNDER DIRECT ELECTION

Mr. COOK. Mr. President, one of the seven points raised against direct election in the minority report and stressed by Senator HRUSKA recently on the floor is the question of vote fraud and other irregularities. Relying heavily on Theodore White and Alex Bickel and Ernest Brown, the minority argued that direct popular election would "create an irresistible temptation to electoral fraud." The reason for this, according to Bickel, is that under direct election every popular vote would count. From this point, he goes on to ask, with a great lack of logic:

If everything depended on the total popular vote, would we not likely face in each close election . . . re-examination of every ballot box and voting machine in the country, not to mention also the records of registration and qualifications of voters?

The minority also argues, moreover, that the present electoral system minimizes the risks of vote fraud and other irregularities. They have reached this conclusion on the basis of White's testimony that the present system discourages fraud because it "seals off" and "compartmentalizes" voting irregularities within each State.

On the basis of the same set of factual data, I think it is very easy to suggest that the exact opposite is likely to be the case; namely, that direct popular election would tend to discourage fraud. And, I might add, for the very same reason that the minority claims will cause it to proliferate. The present system actually places a premium on the kind of voting irregularities that most often occur—the casting of fraudulent ballots—because this type of activity can exist only where it is either, first, far removed from the public's eye; second, is condoned by the public; third, is sanctioned by the opposing political party. By "compartmentalizing" fraud, the present system creates these very conditions.

There is, in addition, an even more fundamental point and that concerns the incentive to fraud in the first place. Again, by "compartmentalizing" fraud, the present system offers a healthy reward because a relatively small number of fraudulent popular votes can swing a large block of electoral votes. In short, under the present system, fraudulent popular votes are likely to have a greater impact than a like number of fraudulent popular votes under direct election.

Under direct popular election, if fraud were to occur it would affect only the actual number of fraudulent popular votes cast. It could not, as under the present system, produce a distorted statewide electoral result. Instead, by commingling those fraudulent popular votes in a nationwide total of more than 75 million their impact will have greatly diminished. The net effect of direct popular election, therefore, is to minimize the effect of voting irregularity by diluting its impact through the nationwide popular vote count—in contrast to the present system, where its impact is magnified precisely because it is "sealed off" within a State.

Once again, I want to make the point as strongly as I am able: Fraud is encouraged or discouraged by its likely impact. The incentive is the result and, second, the ease with which it can be brought off. The present system provides that incentive; that is, a State's electoral vote and also the conditions under which it can flourish, that is, lack of public scrutiny, or one-partyism.

The following is a mathematical comparison of the impact of fraud under the present system as compared to the effect the same number of fraudulent votes would have under direct election. In California in 1960, a change of only 25,000 popular votes would have changed the statewide result and tipped 40 electoral votes from one column to another. Let us assume it was possible to have cast 25,000 fraudulent votes in California in 1960. Would those 25,000 votes have had a greater impact under the present system or direct election?

By tipping California's 40 electoral votes, as would have occurred under the present system, 25,000 fraudulent votes would have decisively affected 7 percent of the electoral vote total. Under direct popular election, in contrast, 25,000 fraudulent votes would have been diluted in a nationwide popular vote total of about 65 million votes—an effect on the outcome of 0.000385 percent. Thus, the difference in impact is nearly 200 times greater under the present system.

Again, I think the point that must be emphasized and reemphasized is that fraud is more likely to take place where the impact of such fraud is magnified—and as we have just seen, the impact of fraud is magnified under the present system.

Furthermore, in terms of impact, it is absolute nonsense to argue that by sealing off fraud within a State it will have no meaning for the national outcome. Remember, this is not a gubernatorial election but a Presidential election within a State and if a Statewide result is fraudulently procured, then it means in the national counting of State electoral votes some fraudulent State results will be tabulated. That, in short, means it could affect the national electoral count. To argue that a "sealed off" fraudulent State result will have no impact on the choice of a President is just not accurate. If the election is close it very well might affect the result—just as a few popular votes fraudulently secured under direct election might affect the outcome in a very close race.

That leads me to another point: The Statewide results that might be influenced by fraud are likely to require less effort than would be needed to influence a nationwide count. For example, the popular vote difference between Nixon and Humphrey in 1968 was about 500,000 but the number of popular votes fraudulently procured that would have been necessary to turn the electoral result around was only 41,000 under the present system.

The Theodore White argument, so ardently embraced by the senior Senator from Nebraska, it is interesting to note, really fails to come to grips with the question of how to prevent fraud. In essence, what Mr. White and Senator HRUSKA are saying is that we ought to stick with the present electoral system because the fraud it engenders is a known commodity. Thus, White could say:

Under the present electoral system . . . crooks in such areas are limited to toying with the electoral vote of one State only; and then only when margins are exceptionally tight, even then, when the dial riggers, ballot stuffers, late counters and recounters are stimulated to play election night poker with the results, their art is balanced by crooks of the other party playing the same game.

It is incredible to me that both the Senator from Nebraska and Theodore White would have put themselves in a position of defending this kind of system.

Furthermore, Mr. White has neglected to point out that the kind of fraud and voting irregularities he so vividly depicts has been occurring in those places that are controlled by one party. And fraud will continue in those places because under the present electoral system there is no incentive for the other party to watch the polls.

Professor Freund has said, in response to the charge that direct popular election would increase the incentive to fraud because in a close election every vote would count, that

If this prognosis were true, it would underscore the virtue of the popular vote. Surely, it is a poor way of dealing with potential fraud to discourage it by detracting from the value of honest votes in the electoral count.

What Freund has argued, and I agree, is that under direct election—precisely because every vote will count—we will have better policing by the parties themselves and possibly even better electoral counting and procedural safeguards. Thus, he contends:

If direct popular election serves as a stimulus to more expeditious and trustworthy procedures for casting and counting ballots and settling contests, it will have produced a welcome by-product in the electoral process.

According to White himself, it should be pointed out:

Over most of the United States votes are cast and counted honestly. No one anymore can steal an election that is not close to begin with, and in the past generation vote fraud has diminished dramatically.

One of the reasons it has "diminished dramatically," it is safe to suggest is that the increase in the total number of votes cast has tended to diminish the impact of fraud and as the two-party system has spread the number of votes cast has risen—and this is precisely what direct election would do.

One final look at White: To say that because a popular vote cast in one State will count the same as a vote cast in another State "The pressure to cheat or call recounts must penetrate everywhere" is a conclusion that does not follow logically from the facts. The fact is that under a nationwide popular vote the extent of the fraud necessary to change an outcome would have to be so massive, cut across so many State lines, permeate nor-

mally honest counting units, and require so many crooks, that such a concerted effort to steal an election could not withstand public scrutiny. What White is saying, in effect, is that if we had direct election overnight we would become a nation of ballotstuffers.

As Richard Scammon has said, "Fraud is more tied to the mores of the community" than to any other factor. In conclusion, there is simply no reason to anticipate that there will be an increased incentive to commit fraud under direct election.

Just this past Friday, President Nixon reiterated his support for direct election in a message to Congress. He sounded a note of urgency as he said:

No one subject more profoundly involves the issue of popular sovereignty than the method of electing the president. For almost two centuries the system of the electoral college has somehow worked, albeit just barely at times, and at other times even doubtfully. Every four years the American democracy places a large, unacceptable, and unnecessary wager that it will work one more time, that somehow an institution that never in any event functioned the way the framers of the constitution anticipated, will somehow confer the presidency on that candidate who obtains the largest number of votes. The electoral college need not do so. Indeed on occasion it has not done so. But far more importantly—whatever the popular vote—it need not confer the presidency on any candidate, if none has a majority of the electoral vote.

Our ability to change this system in time for the 1972 elections is a touchstone of the impulse to reform in America today. It will be the measure of our ability to avert calamity by anticipating it.

As I stated in my October 1969 message, I originally favored other methods of reforming the electoral college system, but the passage by the House of a direct popular election plan indicated that this thoroughly acceptable reform could be achieved, and I accordingly supported it. Unfortunately, the Senate has not completed action. Time is running out. But it is still possible to pass the measure and to amend the Constitution in time for the 1972 elections.

Mr. President, illustrative of the arguments of opponents of direct election was an article by syndicated columnist Kevin Phillips, published in the Washington Post of September 11, 1970. In part he says:

To illustrate the southern and western loss of power, consider that in 1968 (per the 1960 census), Connecticut, Oklahoma, and South Carolina each enjoyed 8 electoral votes, but in terms of popular vote, Connecticut sent 1.26 million to the polls in 1968, Oklahoma 943,000, and South Carolina only 667,000.

It should be apparent to any fair-minded Senator that the argument here is that some States should continue to have disproportionate power in the selection of the President regardless of population. This, Mr. President, is precisely what electoral reform in the form of direct election is all about—to let each vote of each citizen count equally. The President of the United States is the President of the people, not of the States, and each of these people should be allowed to participate in his election under a system of election which guarantees equal weight to each vote.

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

[From the Washington Post, Sept. 11, 1970]

ELECTORAL COLLEGE POLITICS

(By Kevin P. Phillips)

The Senate has begun debate on an amendment to the U.S. Constitution that would abolish the Electoral College method of choosing a President in favor of direct, nationwide popular election.

Two-thirds support will be necessary to push this change through the Senate, and a close fight is expected. The balance of power is generally thought to rest with an undecided bloc of Farm Belt Republicans (Dole, Pearson, Young, and Miller), small-state Northeastern Republicans (Prouty, Cotton, Boggs, and Williams), Southern Democrats (Spong, Byrd, Fulbright, Hollings and Long) and Rocky Mountain Democrats (Cannon, McGee, Moss, and Anderson).

Such indecision is surprising because the amendment in question, pushed by the Senate's leading liberals, would operate to reduce the national political muscle of the more conservative South, Farm Belt, Rocky Mountains, and other lightly populated states. The detriment to these areas can be measured in three ways: (1) diminished local power in President elections; (2) reduced representation and influence in both parties; and (3) decreased local orientation of national party platforms and administration.

To illustrate the Southern and Western loss of power, consider that in 1968 (per the 1960 census), Connecticut, Oklahoma, and South Carolina each enjoyed 8 electoral votes, but in terms of popular vote, Connecticut sent 1.26 million to the polls in 1968, Oklahoma 943,000, and South Carolina only 667,000.

Secondly, the change to direct election would greatly affect the regional distribution of power within the two parties, especially at presidential conventions.

Delegates are now apportioned to states on the basis of Electoral College strength, with bonuses for partisan performance. Abolition of the Electoral College would presumably shift delegate apportionment to a system based either on total vote cast in the prior election or total vote cast for the party's nominee.

In the Democratic Party, such a change, which may come regardless as "reform," would greatly weaken moderate-to-conservative influence. The South, Plains, and Rocky Mountains had 30 percent of the 1968 delegates, but cast only 20 per cent of Humphrey's vote, whereas the liberal big-city states of Massachusetts, New York, Pennsylvania, Michigan, California, and Ohio had only 28 per cent of the delegates but cast 43 per cent of Humphrey's November ballots.

A delegate reapportionment of this magnitude would put the Democratic Party in the hands of left-liberals whose stance would injure party candidates in the South, Border, Plains, and Rocky Mountains. (Direct election would also promote this liberal bias by dispelling Democratic electoral vote concern with eking out three-way pluralities in Texas, say, or Missouri or Georgia.)

If electoral reform shifts the Democrats to the left, pushing conservatives and Wallaceites into the GOP, the Republicans would probably remain conservative-oriented. However, if Electoral College abandonment were to cause GOP delegates to be apportioned by votes cast for the last party Presidential candidate, this would sharply reduce the convention power of the low turnout and now bonus-weighted South, Plains, and Rocky Mountains.

Under present ideological circumstances, now that American politics is no longer divided by the Civil War, the Electoral College favors a Republican coalition based in the South, Midwest, West, and small states. GOP Senators from these areas would be foolish to abandon a system that has a built-in bias toward such a coalition in favor of one which, at best, sacrifices these regional advantages.

For these reasons, Southern, Farm Belt, Rocky Mountain, and other small states have good reason to oppose abolition of the Electoral College, and if such a constitutional amendment passes the Senate, it will probably not be ratified by the states.

Mr. THURMOND. 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. 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.

ORDER FOR TRANSACTION OF FURTHER ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside to permit further transaction of routine morning business, with statements limited to 3 minutes.

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

RESOURCE RECOVERY ACT OF 1970

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from West Virginia (Mr. RANDOLPH) I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 11833.

The PRESIDING OFFICER (Mr. NELSON) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 11833) to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such Act, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BYRD of West Virginia. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. RANDOLPH, Mr. MUSKIE, Mr. EAGLETON, Mr. BOGGS, and Mr. BAKER conferees on the part of the Senate.

ORDER FOR ADJOURNMENT TO TOMORROW AT 9:30 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 o'clock tomorrow morning.

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

ORDER FOR RECOGNITION OF SENATOR FULBRIGHT TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, after the disposition of the reading of the Journal and following the disposition of any unobjected to items on the legislative calendar, the able Senator from Arkansas (Mr. FULBRIGHT) be recognized for not to exceed 30 minutes.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the remarks of the able Senator from Arkansas (Mr. FULBRIGHT) on tomorrow, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

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

ORDER FOR ADJOURNMENT FROM TUESDAY TO WEDNESDAY, SEPTEMBER 16, 1970, AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the conclusion of business tomorrow, Tuesday, the Senate stand in adjournment until 10 a.m. on Wednesday next.

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

ORDER FOR ADJOURNMENT FROM WEDNESDAY TO THURSDAY, SEPTEMBER 17, 1970, AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of business on Wednesday next, the Senate stand in adjournment until 10 a.m. on Thursday next.

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

ORDER FOR ADJOURNMENT FROM THURSDAY TO FRIDAY, SEPTEMBER 18, 1970, AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Thursday next, it stand in adjournment until 10 o'clock Friday morning next.

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

ORDER FOR ADJOURNMENT FROM FRIDAY TO MONDAY, SEPTEMBER 21, 1970, AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Friday next, it stand in adjournment until the following Monday at 10 a.m.

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

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. 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.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the morning business be closed and that the Senate resume the consideration of the unfinished business.

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

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

The Senate resumed the consideration of the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

THE TYDINGS-GRIFFIN AMENDMENT

Mr. TYDINGS. Mr. President. I rise in support of Senate Joint Resolution 1, which provides for the direct election of the President. I am asking the Senate today to consider an amendment to the direct election plan which would replace the runoff provisions. Unless we modify Senate Joint Resolution 1 with the pending Tydings-Griffin amendment, I fear that we will be encouraging the growth of one-issue and extremist political parties and perhaps accelerating the fragmentation of our political structure. I also believe that the direct election amendment will not pass the Senate by the necessary two-thirds majority or receive ratification by enough States without this short but important change.

Many supporters as well as critics of Senate Joint Resolution 1 have admitted that the runoff provisions are the weakest and most controversial part of the proposed constitutional amendment. Senator GRIFFIN and I hope to strengthen the amendment by replacing this weak link. If this is done, I think the understandable fears of some of our colleagues will be assuaged enough so that we can have their support.

THE ELECTORAL COLLEGE

The electoral college was created as a compromise between those who feared the voice of the people and those who were vigorously pushing for more democratic forms of government in our emerging Nation. It was born at a time when political parties did not exist and were not anticipated. Also the Presidency was envisioned as an office so much weaker than it is at present as to be almost a different conception of an executive branch.

Since that time nearly two centuries ago the Presidency has become the central office in our Nation. The President's direct constituency is the entire population, not merely an aggregation of States. Communication, commerce, military power, and a myriad of other factors have made the Presidency an office of immense power, the responsibility of which now derives directly from the people of the United States.

As the power and the functioning of the Presidency became more national and directly related to our citizenry, democratic institutions permeated our society. The increasing franchise, direct election of Senators, political parties—all of these were dramatic evidence of a change in the democratic expectations of our Nation. Our idea of democratic government has been matured and refined; it is more sensitive and sweeping.

These two developments—a new kind of Presidency and a new standard of democracy—demand that we revise our presidential election machinery. It is time for the direct election of the President because our present situation and standards demand it. This is not some idealistic scheme drawn to reform and revive society by a wishful few. Rather it is merely the institutionalization of changes that have already taken place over the past 50 or 100 years. Our own beliefs and standards compel this change—the logic of the office of the Presidency as it now stands allows no other reasoned solution.

Many say that since it has worked well, leave the electoral college alone. But it has not worked well. In recent years its cumbersome and archaic machinery have threatened constitutional crisis and election chaos. Divisive political movements have gathered much of their strength not from the beliefs of their followers, but from the potential of invoking electoral procedures that are so illogical and unworkable that our entire election process could be overwhelmed.

But I think that there is another fundamental problem with the electoral college: Its legitimacy is weakening. People have begun to question its logic and structure. Why elect a President that way? Why should a second-place candidate win? Why should electors be allowed to ignore the clearly stated will of the voters in any State because of personal whim? These questions are being asked by so many. And the answers are inadequate. Tradition alone is not a sufficient reply.

Tradition that grows from enduring principles and that rests upon institutions that reflect and enforce those principles should be treasured and maintained. And because those underlying principles and values are still held and because it can be demonstrated that institutions uphold those beliefs, such traditions can be and are maintainable even in our swiftly moving society.

But when traditions merely reflect an unthinking repetition of past behavior, when they embody principles long since changed, and when they rest upon hollow institutions, then they are, and should be, swept away. The strength of our society is its preservation of deep values and its evolution of outmoded and archaic traditions.

Because the electoral college reflects a different conception of the Presidency and an older standard of democracy, it

no longer preserves enduring values. It does not provide the one acceptable criterion for the selection of our national leader: A majority vote.

Besides these fundamental problems—a constitutional crisis due to a third-party candidacy and diminishing legitimacy—the operation of the electoral college itself is inherently unjust:

The faithless elector problem is simply without justification in a democratic society.

Voting by States, without regard to voter turnout, inherently gives unequal power to individual voters. This ignores the one-man, one-vote principle which is now fundamental in our democratic society.

The unit rule in States gives an artificial distortion to electoral college majorities: it wastes the votes of State minorities even if they are substantially greater than majorities in many other States; and it leads to the atrophy of the two-party system in many areas of the Nation.

DIRECT ELECTION

For all of these reasons I am a strong supporter of Senate Joint Resolution 1. I am a cosponsor and voted for this amendment in the Subcommittee on Constitutional Amendments and in the full Judiciary Committee. I want to commend the Senator from Indiana for his brilliant leadership of this difficult fight for reform.

Direct election has no cumbersome machinery. It rests upon the simple logic and legitimacy of majority rule. All voters are counted equally. No one has a wasted vote, no matter where he resides.

As I said earlier, however, I believe Senate Joint Resolution 1, as presently proposed, contains a serious weakness that should be corrected.

Senate Joint Resolution 1 as it is before us now does not eliminate the electoral college's most glaring and threatening weakness—the possibility of crisis due to a third-party candidacy. Under the electoral college, third-party candidates are generally discouraged from running for the Presidency because of the unit rule; unless a splinter party leader can receive a majority of votes in a State, he will not receive any electoral college votes. This unit rule has thus successfully discouraged ideological third parties. Regional candidates, also, are presented with significant barriers, although these barriers are only of national scope. At the regional level, candidates such as Governor Wallace can attract State majorities and break into the electoral college; yet, chances of obtaining an ultimate majority in the electoral college from such a base remain slim. The prospect of eventual failure serves to channel votes away from this type of candidate to "second choice" candidates because it becomes clear to the average third-party voter that his vote will be "wasted" if he votes for his first preference.

Yet, in spite of the existing institutional barriers to third parties, the prospect of continued third and fourth-party and even fifth-party candidacies continues. This is a function of the "spoiler" role that a third-party candidate can play. Under our electoral college, a third-party candidate has no effect upon the election outcome unless he can deny an electoral college majority to the election winners. Because of the peculiarities of the electoral college, this is a possibility for sectional candidates. The possibility of triggering the unknown and awkward procedures of selecting the President in the House of Representatives is enough of a threat to any regular candidate's chance of victory and to the legitimacy of the entire election process that the third-party candidate has extraordinary bargaining leverage. A refusal to deal with the outsider can mean defeat and/or crisis for the regular party candidates and the certainty of more wholesale political bargaining in the House.

Thus under our present electoral college system, the mechanism of resorting to a House election, when the electoral college fails to produce a majority, is enough of an incentive to create meaningful third-party challenges and the threat of a constitutional crisis, in spite of the inhibiting unit rule of the States.

The provisions of Senate Joint Resolution 1, although otherwise laudatory, create the same problem of an incentive for third-party candidacies. In this case the trigger device is the 40-percent plurality required for direct election. A candidate outside the two regular parties need only approach 20 percent of the popular vote in order to reach a strong bargaining position. This incentive would apply to ideological as well as to regional candidates because there is no unit rule under the direct election proposal. The 20-percent figure becomes very much in reach of splinter parties when more than one outsider is running. The prospect of two splinter-party candidates, one regional and one ideological, amassing 20 percent of the vote amongst them, is quite realistic in the near future of American politics.

Under the direct election plan, the opportunity for crude political bargaining and threats are as available as under the electoral college. In both, an outsider can offer to withdraw immediately preceding the election and attempt to swing his followers toward a would-be victor in return for a significant political concession. While the haunting threat of a debacle in the House of Representatives does not offer itself under Senate Joint Resolution 1, the maneuvering and dealing in a runoff race between the two surviving candidates would certainly be intense as they desperately wooed the disappointed followers of the third-party or fourth-party candidates. If experience under the French electoral system is any guide, the runoff makes the first election a test of bargaining strength, leads to a further ideological hardening, and creates an atmosphere of shameless deals preceeding the runoff. Given the fact that this kind of bargaining would take place under conditions of division and disappointment—it would be used only if no candidate has amassed 40 percent of the vote—cynical political moves might in themselves lead to a crisis of respect and legitimacy in the selection of the President.

It would appear that this incentive to use the 40-percent trigger and runoff is just as great as is the present temptation to deny an electoral college majority and go to the House of Representatives to bargain. However, under Senate Joint Resolution 1, the initial restraint of the States' unit rule system is absent. Thus, the direct election amendment will increase the attractiveness of third-party presidential candidacies. If present political trends continue, Senate Joint Resolution 1 might well bring a constitutional crisis closer to reality.

Presidential election systems do not cause splinter parties, they merely encourage or discourage them. It is the underlying problems and conflicts in our society which create new parties and political movements. As our Nation continues to feel the effects of both major domestic and foreign crises, it will no doubt experience greater pressure for splinter party groups. This is a function of the deep divisions in our society that have finally emerged and burst into the political arena.

In part, this trend of political fragmentation reflects the increase in ideological and rigid political doctrines that threaten to drive the traditional American pragmatism and compromise into the past. No doubt the general politicalization of issues in our society draws into the political fray fringe groups that previously suffered silently or remained dormant without hope of change. Perhaps the widespread frustration and malaise in the Nation plus a feeling of inability to influence the events that shape our destiny drives concerned groups into strong political movements. Certainly there is little hope in the next few decades that the major schisms and problems that confront our Nation will vanish in thin air; it is more likely that our political parties will be the ones to vanish—at least, as we know them now.

For many, substantial weakening of the two-party system would be a serious, if not a crippling, blow to the functioning of the America political process. A stable dual party structure serves many vital tasks of our democracy. Two strong parties are essential to maintain the competition for office among leaders that provides the honesty and innovation in American politics. Two stable parties provide the continuity of program needed to accomplish major changes in a relatively slow moving political process. Most important, with only two parties, there is a need to create a real majority or large plurality for electoral victory. This fact requires that each party provide a political program that attracts a broad spectrum of voters.

Thus, in a two-party system, the parties are forced to create programs that satisfy a broad range of groups and interests. In the United States, the two major political parties have become the central institutions for moderating and resolving conflicts in our society. Our national conventions, fault-ridden as they may be, and party machinery serve to mitigate and lessen the divisions of the Nation. Without these institutions, the whole burden of resolving conflict would be thrust into the legislature. Under a multiparty system, dogmatic ide-

ology would flourish and compromise would disappear. Executive leadership would be difficult because there would be no institution to aggregate enough political support to form a majority President. If the example of modern European parliamentary systems is of any relevance, multiparty government means bitter conflict and frequently governmental immobility.

Of course, ours is a society that is in desperate need of change and innovation of its policies and its institutions. Many believe that the two-party system and barriers to third parties have impeded these needed reforms. However, historical precedent seems convincing that reform, if it is to be successful, is best directed by a major party. Only the major parties offer the strength of broad support and the structure of continuity that is a prerequisite for meaningful change. This is not to say, however, that the parties do not require major internal reform and that we should not move within our parties ourselves.

It is difficult to gather the support of large and differing groups in any party for significant change; but this is the cost of governing by consent rather than decree. The only other alternative in such a diverse society as ours is political fragmentation. And fragmentation without coercion would be stagnation.

In short—at least, it is the judgment of this U.S. Senator—our political system desperately needs all its institutions that moderate conflict and provide for the means to change that do not stress division. The enactment of Senate Joint Resolution 1 would alter the presidential elections to encourage third parties and undermine one of the key institutions of conflict resolution and change in our system. We should change our electoral system, but in a way that avoids crisis and supports our two-party system.

Of course, our system of Presidential elections is not the only institutional structure that maintains our two-party structure. Political tradition, single member districts, lack of majority requirements for election all contribute. But the party structure on the Presidential level has a profound impact upon the entire political structure.

The brief appearance of the split in the Democratic Party on the issue of the Vietnam war, when crystallized on the presidential level with rival campaign organizations, has left major institutional schisms 2 years after that election. This is the effect of a bitter primary fight. If a peace candidate had gone on to the general election, surely the break would be greater. This effect can be seen on the other side of the spectrum: The continued existence of a party that institutionalizes dissent on the racial issue has deep effects upon our most fundamental policies. It is by no means clear that the resolution of the racial issue can be handled within our party structure. And I am certain that any resolution that occurs from competing one-issue, ideological splinter parties on this issue will be a more costly and tragic one for our Nation.

I fear that those who rest confident in the stability of our two-party system critically underestimate the power of separate splinter-party structures on the presidential level, especially in these explosive times. I would think that the major stresses of our times would lead to a search for more structures to resolve conflict within our system and without ideological overlay. But here we have a laudable reform that massively reduces the protections we have against splinter one-issue and extremist parties.

TYDINGS-GRIFFIN AMENDMENT

It was because of these concerns that I began thinking of modifying the runoff provisions of Senate Joint Resolution 1 as early as last fall. I had the opportunity at that time to talk at length with some of the academic and legal scholars who have contributed so much to this debate. I found that almost all of them agreed with me that the runoff provisions of the direct election plan presented the prospect of increased party fragmentation.

Some of these scholars were so worried about the problem that they have supported alternatives to direct elections. However, they all felt that the amendment that Senator GRIFFIN and I are offering today is a vast improvement. Professor Bickel of Yale and Professor Brown of Havard particularly found this approach a very substantial improvement over Senate Joint Resolution 1.

The amendment we are offering replaces only the runoff provisions of the direct election plan. I ask unanimous consent that it be printed in the RECORD at this point.

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

S.J. RES. 1

In the committee substitute, beginning with line 1, page 5, strike out all to and including line 7, page 5, and insert in lieu thereof the following:

"SEC. 3. The persons joined as candidates for President and Vice President having the greatest number of votes shall be declared elected President and Vice President, if such number be at least 40 per centum of the total number of votes certified. If none of the persons joined as candidates for President and Vice President shall have at least 40 per centum of the total number of votes certified, but the persons joined as candidates for President and Vice President having the greatest number of votes cast in the election 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, such persons shall be declared elected President and Vice President. For the purposes of the preceding sentence, the District of Columbia shall be considered to be a State, and to be entitled to a number of Senators and Representatives in the Congress equal to the number to which it would be entitled if it were a State, but in no event more than the number to which the least populous State is entitled.

"If, after any such election, none of the persons joined as candidates for President and Vice President can be declared to be elected pursuant to the preceding paragraph, the Congress shall assemble in special session, in such manner as the Congress shall prescribe by law, on the first Monday of December of the year in which the election occurred. The Congress so assembled in special session shall be composed of those persons who are qualified to serve as Members of the Senate and the House of Representatives for the regular session beginning in the year next following the year in which the election occurred. In that special session the Senate and the House of Representatives so constituted sitting in joint session shall choose immediately, from the two pairs of persons joined as candidates for President and Vice President who received the highest numbers of votes cast in the election, one such pair by ballot. For that purpose a quorum shall consist of three-fourths of the whole number of Senators and Representatives. The vote of each Member of each House shall be publicly announced and recorded. The pair of persons joined as candidates for President and Vice President receiving the greatest number of votes shall be declared elected President and Vice President. Immediately after such declaration, the special session shall be adjourned sine die.

"No business other than the choosing of a President and a Vice President shall be transacted in any special session in which the Congress is assembled under this section. A regular session of the Congress shall be adjourned during the period of any such special session, but may be continued after the adjournment of such special session until the beginning of the next regular session of the Congress. The assembly of the Congress in special session under this section shall not affect the term of office for which a Member of the Congress theretofore has been elected or appointed, and this section shall not impair the powers of any Member of the Congress with respect to any matter other than proceedings conducted in special session under this section."

On page 3, line 16, immediately after the period, insert the following new sentence: "No such election shall be held later than the first Tuesday after the first Monday in November, and the results thereof shall be declared no later than the third Tuesday after the first Monday in November of the year in which the election occurs.".

Mr. TYDINGS. I note that this is a slightly changed version of the same amendment which Senator GRIFFIN and I submitted earlier in the Senate, No. 711, and as is reproduced in our separate views in the Judiciary Committee report on Senate Joint Resolution 1.

Under the Tydings-Griffin amendment, the direct election system would continue unmodified in 99 percent of all presidential elections, since it is a historical rarity for the winning Presidential candidate to receive less than 40 percent of the popular vote.

In the rare case when no one received 40 percent of the popular vote, our amendment would first turn to the time honored electoral college system, the one which everyone knows and understands. If the front runner receives a majority of votes in States which can have a majority of electoral votes, he becomes President. In no case can the second place candidate in the popular vote win the Presidency. The reasons for this option are clear: If no one garners 40 percent of the popular vote, there will be no majority President. The question is one of selecting a minority President who has widespread support in a manner that has respect and legitimacy. The electoral system has such legitimacy, and it is a means of demonstrating great support in our States, which are important political units in our system.

Some have pointed out that any use of the discredited electoral college system would raise questions of legitimacy. This does not seem to follow under analysis.

First, there is no possibility of either a faithless elector or the wholesale bargaining in the House—which would vote by State amongst all the candidates—two of the major objections to the present electoral college system.

Second, the electoral college, in spite of its faults, retains a tremendous amount of political legitimacy. Its use as an emergency provision would not seem to draw too deeply on the reservoir of legitimacy now available.

Third, this contingency would be employed rarely; and if it were used, it would be under conditions of division and dissent which would raise questions of legitimacy under any contingency proposal. Under either the amended or unamended Senate Joint Resolution 1, the contingency provisions only operate if the leading candidate has less than 40 percent of the vote. Thus, large groups in the society will already have registered dissatisfaction with both regular parties.

Under a runoff, these splinter party voters are forced to vote for second choices or register their protest by abstentions. Further, the political bargaining inherent in this situation will add to the mood of dissatisfaction and discontent. It must be conceded that this route of choosing a candidate who is the first choice of only a minority of voters will raise at least as much dissatisfaction with the method of selection as the Tydings-Griffin proposed alternative.

Fourth, only the popular vote winner could be elected under this modified electoral system. Of course, it may also be asked what are the chances of a popular vote winner who gets less than 40 percent of the vote obtaining a majority of the electoral vote. If we examine the 26 presidential elections between 1868 and 1968, we find that the winning candidate received on the average of 52 percent of the popular vote and 71 percent of the electoral vote.

During the same period, eight Presidents were minority Presidents—that is, they were elected with less than 50 percent of the popular vote. In three of these elections where some type of major third-party challenge occurred, the average percent of the electoral vote received by the winner was 67 percent, while in the other five contests where no third-party candidate received any electoral vote the average percent of the electoral vote obtained by the winner was 55 percent.

According to these statistics, the results of past elections would indicate two things: The popular vote winner is usually blessed with a fairly comfortable electoral vote cushion and third-party challenges have frequently widened the margin of electoral victory by drawing votes away from one of the two major candidates. The clearest example of this was the 1912 election where Theodore Roosevelt's Bull Moose Party split the Republicans and enabled Woodrow Wilson to be elected with 82 percent of the electoral vote but only 42 percent of the popular vote. Furthermore, in the 1860 election, the only election where the winner got less than 40 percent of the popular vote, Abraham Lincoln was elected with 39.9 percent of the popular vote but garnered 59 percent of the electoral vote. This 20-percent margin is consistent with the average margin between the popular vote—52 percent—and the electoral vote—71 percent—during the 100 years between 1868 and 1969.

Thus, the electoral type alternative is a realistic way of selecting a candidate who has widespread support even though he has not received 40 percent of the popular vote.

If the leading candidates failed to receive 40 percent of the popular votes and failed to receive a majority of the electoral college, it would be clear that popular election mechanism is not enough, in itself, to select a minority President. For this reason, the Tydings-Griffin amendment would then turn to a special Joint Session of the newly elected Congress to select a President from the two front runners in the popular vote. Each Congressman would have one vote. No third- or fourth-place candidate would be eligible to become President.

The new Congress, reflecting the most recent manifestation of the popular will, would choose amongst the two leading minority presidential candidates. The winner would have to receive the majority support of the representative branch of government. The winner would be assured of having the support of Congress.

Again, this provides a means of selecting a minority President with widespread support and by a legitimate institution.

The whole point of the change is that the Tydings-Griffin contingency, unlike the run-off in Senate Joint Resolution 1, discourages its own use. Its success will be its preventative effect. Under this plan, no third-party candidate, ideological or sectional, has a chance of winning the presidential election, unless he can amass an electoral college majority and be front runner or unless he could receive a majority of votes in the new Congress. There is no incentive for the two front-runners to bargain with minor party candidates. The incentives for third-parties under this amendment to Senate Joint Resolution 1 will be similar to those of an ideological party under our present system; there is little encouragement to run unless a third-party candidate can attract more votes than the two leading parties and an electoral college majority or if the third-party candidate can take second place in the popular vote to be eligible for election by the Joint Session of Congress. If third-party candidates come close to attracting 20 percent of the vote, the two leading candidates would merely switch to an election strategy aimed at an electoral college majority—the same strategy used today. This allows a genuine, national third-party movement such as the Bull Moose Party to succeed, but discourages small sectional and ideological parties.

Thus, under the Tydings-Griffin amendment, the loss of the unit rule in the States as a barrier to splinter parties is replaced with another support of the two-party system without the undesirable effects of the winner-take-all method except in rare cases.

The whole issue of the run-off against our plan revolves around the question of selecting a minority President. Neither of these alternatives will be used unless there is such division in our Nation that no candidate can approach majority support. In this situation, we should seek a mechanism that will select a minority President who has enough widespread support so he can govern effectively. Such a selection mechanism should be legitimate in the eyes of our people. And such a mechanism should discourage its own use, thus bolstering a stable two-party system. I believe that only the Tydings-Griffin plan fulfills all three of these requirements.

I believe that in this instance, political reality and intrinsic merit are joined. The adoption of this slight modification of Senate Joint Resolution 1 has great importance to our political stability. It also may very well mean the difference between victory or defeat for the entire direct election plan. Both here in the Senate, and in the State legislatures, concern over the run-off and party proliferation is great. This concern, added to other doubts over direct election, can easily add up to failure.

So I urge the Senate to adopt this amendment—for the sake of the stability of our political system and for the sake of the ultimate success of Senate Joint Resolution 1.

Mr. ALLEN. Mr. President, will the Senator from Maryland yield?

Mr. TYDINGS. I yield.

Mr. ALLEN. As I understand the amendment, provision is made for possibly three steps in choosing the winning candidates for President and Vice President, the first step being that if the leading candidates receive as many as 40 percent of the popular votes, then they would be declared elected. That is the first step. Then, if no two candidates running as a team win as many as 40 percent of the popular vote, resort is had to step two, which in effect is the automatic electoral college system. Under this provision the winning candidates must carry sufficient States that have a majority of Senators and Representatives and then, if no two candidates running for President and Vice President are elected by step two, we would go to step three, which would be a joint session of the Congress, a special session in December, where each Representative and Senator would have one vote and would choose from the top two candidates. Is that correct?

Mr. TYDINGS. That is correct.

Mr. ALLEN. It does eliminate the runoff provided by Senate Joint Resolution 1?

Mr. TYDINGS. That is right.

Mr. ALLEN. It would be a combination of several of the various plans. I read with a great deal of interest the scathing attacks the Senator from Maryland and the Senator from Michigan made on the runoff proposal provided by Senate Joint Resolution 1 and also the fact that the runoff would result in a fragmentation of political parties. The Senator from Maryland makes such a strong case against the runoff, and such a strong case in pointing out the proliferation of splinter parties that would result from the procedure set forth in Senate Joint

Resolution 1, I would hope that if the Senator's amendment is not adopted, that he would then see fit to vote against Senate Joint Resolution 1 in the unlikely event it comes to a vote.

Mr. TYDINGS. Mr. President, I can understand the Senator's wish. However, I cannot encourage him in that premise.

I am very concerned about the runoff. I am concerned over the runoff in Senate Joint Resolution 1 for the same reasons I am concerned with the probability that a third party, a sectional party, could throw the Presidency into the House of Representatives today.

I think it is not a salutary or strengthening feature of our democratic system. However, I do feel it is absolutely vital that we have a direct election for the Presidency of the United States. I only have doubts about one part of the direct election plan—the runoff. As I stated at length in my remarks, I strongly support the rest of the proposed constitutional amendment.

Mr. President, I would hope that we would be able to agree to the amendment which the Senator from Michigan and I have worked out.

We had some support for the amendment within the Judiciary Committee itself. The Senator from Indiana (Mr. BAYH), however, elected to support his own proposal without modification and to bring it up on the floor of the Senate for debate.

It is my hope that the Senator from Indiana will reappraise the situation and see that additional support could be secured by his accepting the amendment of the Senator from Michigan and myself and thus strengthen the original direct election proposal.

Mr. ALLEN. Mr. President, the distinguished Senator is of the opinion, though, that under the runoff provision in Senate Joint Resolution 1, there is a greater danger of the proliferation of splinter parties and the fragmentation of our two-party system than under the present system.

Mr. TYDINGS. Mr. President, I think there is at least as great a danger and perhaps more. As stated in my original views, I consider that one of the weaknesses of the present electoral system is the possibility of a constitutional crisis arising by virtue of throwing the presidential election into the House of Representatives.

I also consider this a weakness of the proposal of the Senator from Indiana. Of course, the proposal of the Senator from Indiana provides for the direct election of the President which, I think, is a much needed institutional reform. It remedies many of the other weaknesses of the present electoral college.

Mr. ALLEN. Mr. President, under the present system, is it not necessary that a third party or a splinter party, in order to have any effect on the election, carry the electoral vote of at least one State?

Mr. TYDINGS. The Senator is correct.

Mr. ALLEN. And that discourages the incidence of splinter parties.

Mr. TYDINGS. That does discourage the ideological splinter party, but not necessarily the sectional splinter party.

Of course, my concern today is that we preserve the two-party system in this country. Whenever we have a time of division and crisis, I think that the more of the division and conflict we can absorb and work out within our party system without leaving the Congress as the only mediating institution, the better the country will be.

Mr. President, considering some of the bitterness that has existed within parties, including my own party, I think that it is better to have the bitter fights take place within the convention or party rather than to have them brought out in a parliamentary body and institutionalized as interparty conflicts as is seen in some of the European countries.

Mr. ALLEN. Mr. President, under the runoff provision provided by Senate Joint Resolution 1, which is not included in the Senator's amendment, with the knowledge on the part of the electorate that in all probability there would be a runoff, does that not encourage the electorate to vote possibly more with its heart than with its head, and that they can vote for the man they think will be the successful candidate or the man they think might possibly make a better President. Knowing there would be a runoff, they might vote for a splinter party that comes closer to their thinking on an ideological basis.

Mr. TYDINGS. Mr. President, let me say that I again agree with the feeling of the Senator from Alabama that the runoff is a weakness.

Mr. ALLEN. Mr. President, I feel that it is such a weakness that I will vote against Senate Joint Resolution 1. I would hope that the Senator from Maryland would do likewise.

Mr. TYDINGS. Mr. President, would the Senator from Alabama vote for Senate Joint Resolution 1 if the Griffin-Tydings amendment were agreed to?

Mr. ALLEN. No. I would say, that if one or the other were going to become part of the basic law of the land, I would prefer the procedure provided by the amendment of the distinguished Senator from Maryland. However, I would prefer the present system, the district system, the proportional system, or the automatic system to the system proposed by the distinguished Senator from Maryland.

I prefer the amendment of the distinguished Senator from Maryland only in preference to Senate Joint Resolution 1, which provides for a runoff. I would prefer it to that extent.

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. CHURCH. Mr. President——

The PRESIDING OFFICER. The Senator from Idaho is recognized.

IT IS TIME THE PEOPLE ELECTED THE PRESIDENT

Mr. CHURCH. Mr. President, as the senior Senator of a sparsely populated State, I intend to examine the pending constitutional amendment in terms of its political impact on Idaho.

Coming from a small State, I am well aware of the argument of those who maintain that popular election of the President would deprive the less populous States of the relative mathematical advantage they presently possess in the electoral college. They contend, for example, that Alaskan voters, with three electoral votes, now wield more power than New Yorkers, with 43, because a much smaller number of Alaskans control the casting of each of their electoral votes than is the case in New York.

This is a classic example of how mathematical ratios can distort political reality. For the fact is that the emergence of political parties, which destroyed the original function intended for the presidential elector, also destroyed such advantage as the mathematical ratio of the State's electors to its population—in number equal to each State's sum of Senators and Representatives in Congress—might otherwise have given the smaller States in the electoral college.

With the advent of political parties, it became the practice for the States to cast all their electoral votes for the candidate who carried the largest number of popular votes in the State, regardless of the size of his margin. This "unit rule system" governs to the present day. It has completely undermined the apparent mathematical advantage of small States in the electoral college. Indeed, populous States, such as New York and California, obtain greater importance than they should, since carrying them—even by the smallest margin—delivers their entire electoral vote to the prevailing candidate. Consequently, these large States have come to exercise a disproportionate influence over our public policy.

At the present time, it takes 270 electors to compose a majority of the electoral college. That number of electors can be secured by carrying as few as a dozen of the largest States. It has, therefore, become the practice of our political parties to lavish their attention upon the most populous States in their quest for an electoral majority.

So it is that the present electoral college actually gives the preponderant advantage to the big States. The importance of carrying them, if only by a handful of votes, in order to secure their entire electoral vote, is mandatory. Consequently, the big States have come to dominate our national conventions, unduly influence our party platforms, and exercise an inordinate power over the selection of our national candidates.

On the other hand, if the President were elected by direct popular vote, such States as New York, California, Pennsylvania, and Illinois would not loom so large in the national political picture. A presidential candidate could lose them all by several hundred thousand votes and easily make up the difference in the intermountain West. Carrying the big States would no longer be so essential, thus giving the smaller States a better break in the politics of the Nation.

But the issue before us transcends States rights; it reaches the cardinal principle of popular sovereignty itself. Seldom are we in the Senate afforded an opportunity to respond to so clear an expression of "the will of the people" as in the case of the electoral reform which we are now considering. A recent Harris poll showed 79 percent of the

American people favoring the direct election of the President. A Gallup poll indicated the support of 81 percent of our people for the same plan. Expressed in its simplest terms, eight out of every 10 Americans favor the election of the President by direct popular vote. It is obvious that a mandate for change confronts us—a mandate so clear that to ignore it would be to deny our role as representatives of the people.

The reason for the strong public sentiment favoring electoral reform stems from the uncertainties engendered by the closeness of recent presidential elections, in which the people have witnessed the near possibility of a candidate winning the Presidency by capturing a majority of the electoral votes while his principal opponent garners the largest number of popular votes. Never in recent times has this anomaly been brought so close to home as in the election of 1968.

As the American people watched on their television screens through the night of November 5, 1968, and into the morning of November 6, the possibility of one candidate receiving the most votes of the people, while another gained the White House, came near to becoming reality.

It had happened before. In 1876, Samuel J. Tilden received a majority of 250,000 votes over his opponent and yet was denied the Presidency which fell into the hands of Rutherford B. Hayes by one electoral vote. It happened again in 1888, when Grover Cleveland received 100,000 more popular votes than did Benjamin Harrison and yet by an electoral vote of 233 to 168, Harrison became President.

The fact that a man not receiving the largest number of popular votes can nevertheless be elected President is, in itself, enough to justify electoral reform. It is a contradiction of the sovereign right of the people to govern themselves.

But 1968 did not only expose again the dire defect in our electoral process which allows one man to claim the popular vote and another the Presidency. It also made clear that, under the present system, there exists no guarantee that electors who have held themselves out to the people as supporting a given presidential candidate will, in fact, vote for the candidate to whom they pledged their support. As Congress itself interprets the Constitution, a free agency still exists; an elector, if he chooses, may cast his vote for a different party's candidate.

In 1968, we saw it happen. When Dr. Lloyd Bailey, an elector from the State of North Carolina, cast his vote in favor of third party candidate George Wallace, even though he was pledged to support President Nixon, who had carried his State in the November election, he became one of five electors in our Nation's history to disregard the wishes of the people who selected him. This latest case of a "faithless elector" should give us pause, particularly when we contemplate the potential for mischief in a closely divided electoral college. The very fact that such things can and do happen under the present system further underlines the need for reform.

The popular election amendment now before the Senate meets these problems head on. By placing the power to elect the President directly in the hands of the people, where it belongs, we would never again need fear the election of a President who lacks even the approval of a plurality of the people. By elimination of the free agency of intervening electors, we abolish the possibility, in a close contest, that our people may be actually disfranchised by the capricious action of faithless men.

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

Mr. CHURCH. I am happy to yield.

Mr. ALLEN. I would like to ask the distinguished Senator if the point he is making now, the point of the "faithless elector," could not be handled by the automatic plan which, for some time, I believe, was espoused by the distinguished Senator from Indiana (Mr. BAYH).

Mr. CHURCH. Yes, I think it could. I have been trying to point out a series of defects in the present system. I think the direct election proposal addresses itself to all these defects and corrects them all. But obviously it would be possible to amend the Constitution to eliminate the "faithless elector" without otherwise modifying the electoral college.

Mr. ALLEN. That is called the automatic plan; is that correct?

Mr. CHURCH. The Senator is correct.

Mr. ALLEN. And it has been recommended by Mr. Katzenbach, the former Attorney General of the United States, and it has had a great deal of support in the Senate, I believe.

Mr. CHURCH. Well, if it were the only choice available, I would prefer the automatic plan to the present system; but other defects in the present system would also be corrected by the proposed amendment. For that reason, I am supporting the direct popular election amendment.

Mr. ALLEN. I thank the Senator for yielding.

Mr. CHURCH. Mr. President, moreover, the proposed amendment is in harmony with the historic trend toward broadening the role of the people in their Government. We have moved, since the time of our creation as a nation, from a system in which only the propertied few had the right to vote to a time when universal suffrage is the rule. This is only proper in a country blessed by the best educated and politically sophisticated electorate on earth. Surely, we have reached that stage when the people can be wholly entrusted with the power to directly elect their President and Vice President.

It was not so very long ago, in terms of history, that the 17th amendment became part of our Constitution. That amendment, as we all know, provided for the direct popular election of U.S. Senators. The arguments raised against its adoption were strikingly similar to the ones we hear now being voiced against the current amendment. Nevertheless, since that time, the Senate has not changed its essential character.

It remains the bastion of the States as it was intended to be. It stands not less, but greater in stature, because its legitimacy rests upon the direct vote of the people of the 50 States. If it is best for a Senator to be directly elected by the people of his State, then it must follow that it is best for the President to be directly elected by the people of the Nation.

Under the direct popular vote amendment, all of our people would be given the same treatment. Different weights would no longer attach to the votes cast by the citizens of one State, as compared to those of another; no State would command special influence or advantage; each voter would stand equal with every other.

As the President of the United States represents all Americans, let us take the action that will allow all Americans equally to choose the President.

The PRESIDING OFFICER. What is the pleasure of the Senate?

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

Mr. CHURCH. I am happy to yield to the Senator from Indiana.

Mr. BAYH. It is not a surpise to the junior Senator from Indiana to hear the perceptive discussion of the problem by his friend and distinguished colleague from Idaho. As one who has been laboring with this problem for a number of years, I would personally like to express for the record my deep appreciation for the advice and counsel and cooperation of the Senator from Idaho in this joint effort. I think the Senator from Idaho very eloquently stressed the important points of the problem before us.

I hope the Senator will yield for a question or two. One of the matters of greatest concern to the Senator from Indiana deals with some of the questions being asked in the country today. These questions indicate a considerable lessening of faith, or at least a lessening of the ardor of the quality of faith, in some of the basic tenets of our system. The Senator from Indiana feels we are living in a great country and our responsibility is not to sit idly by and ignore some of the shortcomings which, if overcome, would make the Nation a greater place in which to live.

Does the Senator from Idaho share the concern of the Senator from Indiana over what would happen in this country, or indeed how the credibility of the President would be affected, if we were to see, in 1972, or 1976, or 1988, an election like the 1948 election? Then we saw an election in which, if there had been a change of less than 33,000 votes in the right three States, the man who won under the electoral college system, President Truman, would have been denied the victory, and victory would have been given to his opponent, Governor Dewey. This would have happened even though 2 more million people had supported the loser than had supported the winner under the electoral college system.

Does the Senator have any concern about the ability of a President to govern under such circumstances?

Mr. CHURCH. I do indeed. I think, in the aftermath of such an election, the

people of the country would experience a sense of shock and dismay, realizing that a President who had received a lesser number of popular votes occupied the White House while the man for whom the largest number of people had voted had been denied the office. This would reach to the very wellspring of strength from which democratic government draws its nourishment: its legitimacy.

We often overlook the fact that the strength democratic government possesses stems from it source of legitimacy. People honor democratic government because they exercise the sovereign choice. It is, after all, a government that the people themselves choose.

If ever an election should end up, as it might under the present system, with more people voting for the loser than voting for the winner, we would have, for the first time in this century, a President who could not claim to be the legitimate choice of the people. Nothing could be more disabling to the President than that.

We must remember that our system of government does not rest, as earlier systems did, upon divine right. The kings ruled for many, many centuries in Europe upon a very different theory—the theory that by right of birth, they were entitled to reign.

The whole democratic concept overturned the legitimacy of kings, and substituted in its place the legitimacy of popular sovereignty. The people were made sovereign. The people would choose and having chosen, the government was thus able to rest its claim to rule on the strongest possible foundation of popular acceptance and popular approval.

If that kind of legitimacy were frustrated by the electoral college, you would of course, disable the Presidency. You would greatly weaken the position of the President, who could not exercise power upon the basis of the mandate given him by a majority of the people.

Mr. BAYH. I appreciate the Senator's further explanation on this point. I think it is fair to say that the Senator from Idaho joins the Senator from Indiana in saying that one of the basic tenets of any electoral reform is that the man who wins should be the man who has the most support among the people. For that reason we share common bond in support of direct popular vote, which is the only plan that supplies that guarantee.

Mr. CHURCH. The Senator is correct. He has taken the leadership by endeavoring to remove from the Constitution, by way of amendment, the last anachronism that could prove an obstacle to popular sovereignty. Though the Constitution commences with the words "We the People," and though the preamble makes clear that the people are regarded as the ultimate source of sovereign power, nevertheless, there were originally placed in the Constitution a number of hurdles which separated the people from the actual choice of their leaders.

For example, under the original Constitution, Senators were chosen by the State legislatures instead of by direct vote of the people. Indeed, even though the people were to choose their Congressmen, the franchise was actually exercised only by a small number of voters, those who owned property, those who held positions of substance in their communities.

In the course of our history, we have witnessed a steady trend toward fuller realization of the ideal of popular sovereignty. We have seen it in the removal of many barriers that restricted the right to vote to the propertied few. We have seen it when the right to vote was extended to women. We have seen it when the system for selecting Senators changed, with the adoption of the 17th amendment, to direct election by the people.

So, step by step, we have moved toward the implementation of popular sovereignty. The remaining hurdle, it seems to me, is the one presented by the electoral college.

If the Senator's amendment is adopted by the Senate and then ratified by the legislatures of three-quarters of the States, we will have finally achieved full-fledged democracy in this country.

Mr. BAYH. I appreciate the Senator's remarks. We have had a great deal of discussion on the floor of the Senate, and also by some very well intentioned and learned writers and scholars, to the effect that the direct popular election proposal would subject us to a great amount of fraud.

I pass over the problem of unaccounted votes at the precinct level because I think it an insignificant problem. But, speaking of fraud, does the Senator from Idaho think there could possibly be a bigger fraud perpetrated on the people of this country than to have elevated to the Presidency a man who really lost?

Mr. CHURCH. As I have said, I think that the impact of such an eventuality—we came very close to it in 1968 and in other recent elections as well—would be very disabling on the Office of the Presidency. People would feel they had been defrauded, because they generally believe they elect the President. It is the opinion of the average citizen that the American people elect the President and Vice President of the United States. It is natural that people should so believe, since we have been lucky enough thus far in this century to have had the candidate who received the electoral majority also receive the popular majority. But there is nothing in the Constitution to guarantee this result, and if an election should come out differently, people throughout the country would suddenly awaken to the fact that they have not been permitted to place in office the man for whom the majority had voted. They would not only feel disappointed, but they would feel dismay, and a great many would feel they have been defrauded.

Mr. BAYH. Would the Senator permit me to pursue another area of this whole problem with him a bit further?

Mr. CHURCH. Surely.

Mr. BAYH. One of the major thrusts or concerns of the opposition has been the concern that this might penalize the less populated States. I know the Senator from Idaho, as a Senator from one of those less populated States, has expressed his opinion to the contrary, as has our distinguished colleague, the junior Senator from Oklahoma.

Does the Senator really believe there is any reason for the citizens of Idaho, New Mexico, or Oklahoma to feel that they are going to be penalized? Or, on a broader scale, is there any reason why we ought to have a system which gives to any one group of voters a larger voice in determining who their President is going to be?

Mr. CHURCH. No. As I have said, I think this question transcends States rights. This question reaches the fundamental rights of the people. I would find it hard to defend a system which gives greater weight to an American citizen's vote in Nevada, let us say, than in Maryland. This would be difficult to justify on any principle of democratic government of which I am aware. But the truth is that the present system actually does not work in favor of the small States. The argument itself is fallacious.

Mr. BAYH. Will the Senator yield just briefly? To be a bit more specific, on page 19 and continuing on page 20 of the committee hearings, there is a table introduced by our distinguished colleague from Nebraska (Mr. HRUSKA), which contains a great deal of discussion and mathematics about the impact of direct election on the voting strength of midland, southwestern, and Southern States. This document goes on to say that 34 States and the District of Columbia would lose political power. Idaho is one of those States listed.

Mr. CHURCH. Yes, but the Senator from Idaho believes that, under a direct popular election of the President, States like Idaho would gain power, not lose power. Under the present system, the small States operate at a distinct disadvantage. The table to which the Senator refers presents no more than a purely mathematical calculation.

It is true, on the basis of this kind of calculation, that it can be demonstrated that the voters in a small State have a theoretical advantage over the voters in a large State. Fewer Alaskans are required to vote each of the three electoral votes of Alaska than New Yorkers in casting each of New York's 43 electoral votes. Therefore, it is argued that, mathematically, Alaskan voters have greater weight than New York voters, and that the present system, therefore, works in favor of the smaller States.

Theoretically, such an argument can be made. But in the world of practical politics, it is the reverse that turns out to be the case. Ever since political parties were established and the unit rule adopted, it has been the practice for all the electoral votes of a given State to be cast in favor of the presidential candidate who wins the popular vote of that State. Even though he wins it by a dozen popular votes, or by a single vote, all of the electoral votes are cast for the winning candidate.

The effect of this is perfectly clear. It did not take long for political parties to figure out that, in order to win a national election, it was mandatory to secure the

support of the big States. A candidate can be elected President on the strength of the electoral votes cast by the 12 largest States.

Therefore, these States have inordinately large importance in a national election. Anyone who has regularly attended national conventions of either political party, as the Senator from Indiana well knows, comes to appreciate the tremendous influence exercised by the big States; the extent to which they dominate the various convention committees; the degree to which they control the drafting of the platform, and the extent to which they govern the choice of the party's candidate for President.

The reason is obvious. Both parties recognize that the big States must be carried, regardless of what happens in the other States. The big States must be carried because their electoral votes, bestowed in massive blocks, must be secured, if the party's candidate is to win.

Let us suppose that, in place of this system, we were to adopt a direct popular election of the President. How different the whole political climate at the national conventions would become. With a direct popular election, a candidate could lose New York, Pennsylvania, Illinois, and California. He could lose them by half a million votes, and still make up the difference in the sparsely populated intermountain West. So the importance of carrying the big States would no longer weigh so heavily in the consideration of our political parties.

Therefore, Mr. President, I believe the amendment before us would restore to the small State its proper position in the scheme of things, and it would take from the large State the inordinate amount of political power that such States actually exercise today by virtue of the unit rule in the electoral college.

Mr. BAYH. I appreciate the Senator's compelling argument as to why he, as a Senator from a less populous State, could in good conscience support such a plan.

After hearing the prepared speech and extemporaneous remarks of the Senator from Idaho, the Senator from Indiana feels that the Senator from Idaho might feel very much as the Senator from Indiana felt during the closing days of our hearings, when he heard the last two witnesses of the last day. One, a very eminently qualified man, suggested that the small States had an advantage; and the very next man, equally qualified, suggested that the large States had an advantage. The Senator from Indiana wondered why any State, any voter, should have an advantage. Everybody ought to be given an equal opportunity to determine his President, and the Senator from Idaho, of course, has stressed this most eloquently.

Mr. CHURCH. I certainly agree wholeheartedly. We ought not perpetuate a system that gives any advantage to one set of voters as against another. The smaller States, when the matter is measured in purely mathematical terms; though, when measured in practical political terms, it actually favors the large State over the small. Nevertheless, a system that places the election of the President in the hands of the people at large would give equal weight to the votes cast by all voters, which conforms with the democratic ideal.

If anyone has any doubts about how the present system tends to favor the large State over the small, just let him review the itineraries of our presidential candidates in recent elections and observe the extent to which their time and attention were given over to the large States of the country. That is proof enough of how the men who are actually running view the process, and fully corroborates what I have said about how the present system militates in favor of the large States of the country.

So, Mr. President, as one Member of the Senate representing a State of small population, I am happy to give my full endorsement and support to the pending constitutional amendment.

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

Mr. CHURCH. I yield.

Mr. ALLEN. The Senator has told us how he feels about Senate Joint Resolution 1. I believe that the pending question, however, is on agreeing to the amendment offered by the Senators from Michigan and Maryland. Would the Senator be good enough to state his position on the pending question?

Mr. CHURCH. Yes; my reference was, of course, to Senate Joint Resolution 1, which I support. My present intention is to vote against the amendment offered by the Senators from Michigan and Maryland.

Mr. ALLEN. I was also interested in the colloquy between the distinguished Senator from Idaho and the distinguished Senator from Indiana, pointing out that a successful candidate for President who may possibly have carried a majority of the electoral votes while being somewhat behind the defeated candidate in popular votes might suffer some credibility deterioration or depreciation on account of the failure to carry the popular vote. Yet, it is noted that under Senate Joint Resolution 1, a candidate can be elected by carrying as few as 40 percent of the popular vote, which would not seem to be a great deal of a mandate from the people—if he carried only 40 percent. Why not make it 50 percent and really get a mandate from the people?

Mr. CHURCH. The amendment merely takes into account the problem presented by third-party candidates. It attempts to draw a reasonable line where any candidate having 40 percent or more of the vote, having that large a plurality in a three-way contest, could take office without suffering serious disability. I think the 40-percent line is reasonable. I also favor the solution contained in the amendment, in the event that no candidate receives as much as 40 percent of the vote, because it would assure that in any runoff, the winning candidate would command a majority.

Mr. ALLEN. The distinguished Senator from Idaho has expressed himself as being apprehensive that the people's second choice in the presidential race might become President. Yet, does not the runoff provision give the people's second choice a very good possibility of becoming President?

I have just jotted down some suggested percentages. The distinguished Senator from Indiana spoke about what would have happened if a certain number of votes were shifted in this State and that State and the other. Let us assume that in a four-way race for the Presidency, the top candidate received 39 percent of the vote, thereby guaranteeing a runoff; the next candidate received 21 percent; the next candidate received 20.5 percent; and the fourth candidate received 19.5 percent—adding up to 100 percent. Would it not be possible for this 21-percent candidate, by making trades with the other two losers to become President of the United States in the runoff, even though when the people were casting their first choice votes he received only 21 percent of the popular vote of the country? Would that not be possible, and would not the people thereby be choosing their second choice for the Presidency?

Mr. CHURCH. I remind the Senator that the final choice would be made by the people between the two candidates in any runoff election, and that the winning candidate would have to receive a majority of the votes. This is a practice, as the Senator well knows, that we often follow in State primary elections, in order to reduce a field of candidates to two opponents in a runoff. The people are well aware of this procedure. It is a democratic one. In the end, the two candidates receiving the highest number of votes run against one another in a final election, and the outcome of that election is determined by a majority.

Mr. ALLEN. By the way, when would that runoff election be held?

Mr. CHURCH. This is a matter that could be readily worked out by statutory implementation of the amendment.

Mr. ALLEN. It is not part of the amendment?

Mr. CHURCH. It would be a function of Congress to implement the amendment with appropriate legislation.

Mr. ALLEN. The 40-percent figure suggested for the winning candidate would certainly indicate, especially since Mr. Humphrey and Mr. Nixon each got 43 percent or so in 1968—and this amendment is said to be designed to prevent a repetition of what might have happened in 1968—that it must be the belief of the sponsors of the amendment that the amendment will result in a proliferation of third parties; or the figure would not have been placed so low. Does the Senator anticipate, if Senate Joint Resolution 1 becomes part of the basic law of the land, that a number of splinter parties would run candidates for the presidency?

Mr. CHURCH. No; I do not think that would happen. I am inclined to believe that the present system encourages third-party candidacies. This figured publicly into the considerations which led Governor Wallace to run for the Presidency in 1968. He often commented on the fact that a third-party candidate, even one with little chance of winning the election outright, could nonetheless win sufficiently support to deny an electoral majority to either major candidate, thus throwing the final outcome of the election into the House of Representatives where, as the Senator knows, under

the present Constitution, each State, regardless of its size or population, would cast one vote. So I would say to the Senator that, based upon the public record, it is the present system that tends to encourage third-party candidates.

Mr. ALLEN. Does the Senator not realize that for a third-party candidate to have any effect or to be counted in the electoral college, he must receive the vote of at least one State, whereas in a direct election if he receives only 100,000 votes throughout the country, still it would be used as part of the overall figures in the election, and he would still be a part of computing what it took to make a majority. That is not true as a third party carrying no States at all under the present system. Would that not make the Senator feel that the present system discourages third parties rather than proliferating them?

Mr. CHURCH. I would say, with all respect to the Senator's argument, that weighing it in on one side of the scale, and weighing in the effect of the present electoral system on the other, I believe the present system has the heavier tendency to encourage third-party candidates.

Mr. ALLEN. I should like to point out to the distinguished Senator that, under the present system, where a runoff would be if not certain, then very likely, would that not encourage the proliferation of third parties, because the electorate would be able to vote for the ideological third party of their choice, or the regional third party of their choice, in the first election, knowing full well that they would have an opportunity in the runoff to vote for one of the two major parties they wished to support, and would that not tend to encourage third or splinter parties?

Mr. CHURCH. Well, I can only repeat what I have said before to the Senator. I think there would be a lesser tendency toward third parties in a direct popular election of the President than under the electoral college system, for the reason that if a third-party candidate can secure enough electoral votes to throw the election itself into the House of Representatives, then that candidate, and those who support him, would achieve tremendous bargaining power since election in the House of Representatives is not weighted by population. Each State, large or small, casts a single vote, and thus the political struggle within the House would be subject to easier manipulation than any situation that might be presented under a direct-vote system. I conclude, for this reason, that greater inducement is given to third-party candidates under the existing electoral-college method of choosing a President than would be the case if the choice were left to the direct vote of the people.

Mr. ALLEN. He would have to carry one full State, though, to be effective in the electoral college; is that not correct?

Mr. CHURCH. That is correct.

Mr. ALLEN. Whereas in the direct popular vote, any number that he got would be sufficient. These third parties that might be formed under the direct system, would they be national third parties, would they file with some bureau in Washington to become candidates for the Presidency—how would that be worked out? I think that the people would like to know these things when this amendment is submitted back to them for ratification.

Mr. CHURCH. The traditional methods for establishing political parties are not set aside by this amendment. They stay the same. In other words, they would be governed by State law. Third party candidacies would materialize and the names of third party candidates would be placed on the ballot, as is now the case.

Mr. ALLEN. The Senator realizes that the amendment gives Congress the right to prescribe uniform laws and regulations and procedures, and that Congress could pass a provision for a national board to conduct a national election, the whole country being only one precinct under the terms of Senate Joint Resolution 1.

Mr. CHURCH. I think that Congress can be entrusted with the responsibility of implementing the amendment in a reasonable way. After all, we are fully conscious of the political process in the country, and I doubt very much that Congress would intrude upon that process any further than absolutely necessary to secure the objectives of the amendment. Therefore, I am not concerned, as the Senator may be, that Congress would overreach itself in enacting legislation that would have any great disruptive effect in the various States.

Mr. ALLEN. I thank the distinguished Senator for the information he has given me on this subject.

Mr. CHURCH. I thank the Senator from Alabama for his questions.

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

The PRESIDING OFFICER (Mr. CASE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE AGRICULTURAL ACT OF 1970—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, later this afternoon the unfinished business will be laid aside, under the previous order, and the farm bill will be laid before the Senate. This will be done somewhere in the area of 4:30 o'clock between that time and 5.

After discussions with the able minority and majority leaders and the manager of the bill, Mr. ELLENDER, and with the Senator from Vermont (Mr. AIKEN), the Senator from North Dakota (Mr. YOUNG), and the Senator from Delaware (Mr. WILLIAMS), I make the following unanimous-consent request anent the farm bill, H.R. 18546: That time on each amendment be limited to one-half hour, the time to be equally divided between the mover of the amendment and the manager of the bill, with the exception of the Smith-Williams amendment dealing with limitation on price-support payments, the time on that amendment to be limited to 1 hour and a half, the time to be equally divided between the authors of that amendment and the manager of the bill, and also with the exception of the Montoya amendment.

I am unable to state at this time any suggestion for time on the Montoya amendment. I would except that one for now and proceed with the unanimous-consent request to include 1 hour on the bill, the time to be equally divided between the manager of the bill, the Senator from Louisiana (Mr. ELLENDER), and the minority leader or his designee, with the further understanding that the time on the bill would not begin running until tomorrow when action is resumed on the farm bill in the evening session.

I think that about sums it up.

The PRESIDING OFFICER. The time on the Montoya amendment is not specified?

Mr. BYRD of West Virginia. The time on the Montoya amendment would be excepted at this point. The time on all other amendments, with the exception of the Smith-Williams amendment, would be limited to one-half hour, to be equally divided, but the time on the amendment to be offered by the Senators from Illinois (Mr. SMITH) and Delaware (Mr. WILLIAMS), respectively, would be limited to 1 hour and a half, the time to be equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. BAYH. Mr. President, reserving the right to object, I would like to address a brief parliamentary inquiry. Does the Senator from Indiana correctly understand that the request made by our distinguished colleague from West Virginia puts a time curtain on each amendment, and on the bill itself, with the exception of the Montoya amendment?

The PRESIDING OFFICER. That is correct.

Mr. BAYH. Further reserving the right to object, Mr. President, the pending order of business is electoral reform, as all of us know. The Senator from Indiana and several others have been working on this particular measure for a number of years. It has been a subject of discussion in the Congressional Halls since the beginning of this session.

The Senator from Indiana, who is normally a reasonably tolerant Member of this body, who does not normally resort to some of the parliamentary rights available to each Senator, has nevertheless witnessed those rights used. I certainly do not criticize any Senator for using those rights, but I recognize that, if one Senator uses certain rights to the detriment of a bill, or to oppose that bill, then on occasion it is necessary for those who would otherwise disdain to use those rights, to work a counterbalance in order to let the Senate work its will.

Having seen at least one Member of this body delay for months the measure which is now before the Senate and to deny committee action on it, the Senator from Indiana would like to respectfully suggest that he does not intend to avail himself of the right to object to what he thinks is a very proper request by our acting leader, the distinguished Senator from West Virginia. But I think the Sen-

ate should be put on notice that those of us who feel there should be some basic reform in our electoral process might have to use a little fire to fight fire, if indeed a few individual Senators are going to take advantage of their parliamentary rights. Vote it up or down, but the Senator from Indiana feels it is the right of the Senate to speak on this measure before this session is over.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield, reserving the right to object?

Mr. BYRD of West Virginia. I yield.

Mr. WILLIAMS of Delaware. I join the Senator from Indiana in urging the Senate to go about its business, and I suggest the best way to do it is to sit down and stop talking and start voting this afternoon. I have nothing to say on it.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and the order is entered.

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that the time on the amendment to be offered by the Senator from New Mexico (Mr. MONTOYA) to the farm bill be limited to 3 hours, the time to be equally divided between the author of the amendment (Mr. MONTOYA) and the manager of the bill (Mr. ELLENDER).

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

The unanimous-consent agreement was subsequently reduced to writing, as follows:

Ordered, That during the further consideration of H.R. 18546, an act to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes, debate on any amendment (except an amendment to be offered by the Senator from Illinois, Mr. Smith and the Senator from Delaware, Mr. Williams, which will be limited to 1½ hours, and an amendment by the Senator from New Mexico, Mr. Montoya which will be limited to 3 hours), motion, or appeal, except a motion to lay on the table, shall be limited to ½ hour, to be equally divided and controlled by the mover of any such amendment or motion and the manager of the bill, Mr. Ellender.

Ordered further, That on the question of final passage of the said bill, controlled debate (which shall be effective beginning tomorrow, Tuesday, September 15), shall be limited to 1 hour, to be equally divided and controlled, respectively, by Mr. Ellender and the minority leader or his designee.

Provided, That the manager of the bill and the minority leader, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator from Indiana and all other Senators who participated and cooperated in reaching this agreement.

Mr. BAYH. Mr. President, in response to the usually wise remarks of our distinguished colleague from Delaware, the Senator from Indiana would like to suggest that some time in the next few minutes he would like to pursue, after consultation with a few Senators present and some who are not present. We have these interrogatories still out as far as long-distance calls from a couple of our brothers who are unfortunately not able to be with us for personal reasons are concerned; but I would like to propose a unanimous-consent request to do just what the Senator suggests. I wish that it were feasible to deal with a unanimous-consent request such as he specifically mentioned; namely, to start to vote today.

After touching a few bases, the Senator from Indiana is persuaded that that would be the right thing to do, but it is not within the realm of possibility. However, I hope we can pursue one or two requests that might enable us at least to start voting early this week.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield further?

Mr. BAYH. I yield.

Mr. WILLIAMS of Delaware. Do I correctly understand that when the acting majority leader decides to move to the farm bill, there will be a live quorum call to notify Senators of that fact?

Mr. BYRD of West Virginia. Mr. President, with that suggestion in mind, I think attachés should get word out to Senators on both sides of the aisle that there will be a live quorum today when the Senate proceeds to the consideration of the farm bill, at approximately 4:30 p.m.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess subject to the call of the Chair, with the understanding that the recess not extend beyond 3 p.m. today.

The motion was agreed to; and at 2:40 p.m., the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 2:50 p.m. when called to order by the Presiding Officer (Mr. CASE).

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. 16968) to increase the contribution by the Federal Government to the cost of health benefits insurance, and for other purposes, and it was signed by the Acting President pro tempore (Mr. METCALF).

THE FUELS CRISIS IN THE UNITED STATES

Mr. BYRD of West Virginia. Mr. President, as a Senator from West Virginia, I have been extremely interested in the recent rash of stories on the energy shortage. Suddenly, the metropolitan newspapers and the national news magazines have discovered that we stand in grave danger of running short of electric power, and that many of our fuels are in short supply. In other words, the abundant supplies of low-cost energy which have made this Nation great are suddenly becoming neither so abundant nor so low cost.

I am particularly interested, as I have said, because West Virginia is a leading coal producing State in the Nation. And some of the biggest users of power—most notably the Tennessee Valley Authority—are suddenly making the coal industry a whipping boy for the shortage of power.

Mr. President, the coal industry has been warning for years that a fuel shortage was impending. It has said that shortsighted policies of Government and some of the major fuel consuming industries were heading the Nation for trouble. Now that the crisis is upon us, to attempt to blame it all on the coal industry does not make sense.

The real question, however, is not how we got into this mess but how we get out. We look at how we got here only as a guide toward the exit. But I think it is clear that to have any permanent solution to the problem is going to require some drastic policy changes. All the common fuels are in short supply—oil, natural gas, and coal; that is to say, they are in short supply for the consumer—delivered where he wants them. But when we come to reserves, there is a difference between the fuels. Proved reserves of petroleum and natural gas in this country are alarmingly low, but the reserves of coal are enormous. The problem with coal is a shortage of productive capacity, coupled with a shortage of rail cars to haul coal to market.

Nevertheless, the shortage is likely to continue for a long time, quite probably for the rest of this century, unless we have some new strata of cost. Energy has been one of the low-cost items in the American economy. The energy shortage can be solved, but adequate supplies are going to cost more than they have in the past.

I am particularly interested in the fuel shortage as a Senator from West Virginia because it is most acute in fuel for the electric utility industry, and because that fuel is principally coal. Coal generates about half of all the electricity in this country.

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

Mr. BYRD of West Virginia. I yield.

Mr. SAXBE. Would the Senator care to comment on the charges made that one of the reasons for this power shortage is that so much of our coal from West Virginia and the rest of the coal area is going to export and that if so much of this coal were not taken advantage of by increased prices they could get at export, we would not have this shortage and that perhaps the exports should be curtailed, so that we would be guaranteed coal supplies? In other words, if they are not permitted to renege on some of these contracts—which I understand there is some talk of—it will become increasingly more difficult.

Mr. BYRD of West Virginia. Mr. President, the Senator has raised a very incisive and pertinent question. If he will allow me, I do intend a little later in my prepared statement to address some remarks to this very question.

Coal is in short supply now, but the

coal industry is guardedly optimistic about the rest of this year. It believes it can produce enough coal to meet the forecast demand for the rest of the year if it encounters no further trouble. This means if there are no more work stoppages in the mines, if there is no railroad strike, and if bad weather does not interrupt the production. Output so far this year is running ahead of 1969, and may be able to keep pace with demand.

The industry devoutly hopes it will be lucky enough to do this. However, I want to discuss some other solutions to the problem of fuel shortage, first, I wish to talk about some short-term problems and possible solutions to them. And by short-term, I mean assuring an adequate supply of coal in the coming year.

If the coal industry is not fortunate enough to meet the demands upon it, there will be increasing clamor from the public and in the Halls of Congress for the Government to step in and see that essential customers, such as electric utilities, have adequate coal supplies. The Government cannot permit defense installations to shut down nor the economy to be greatly slowed for lack of coal, when the United States is sending coal to customers abroad. On the other hand, we must be sure that we do not confuse the complaints of those who cannot get coal with the cries of those who cannot get coal at the price they are willing to pay for it. I know that the coal industry is doing all it can in cooperation with the Government to see that defense contractors and defense installations have adequate coal supplies. Before adopting stronger solutions, the Government should be sure they are really necessary.

We have already heard demands from some consumers that the Government restrict exports in order to assure more coal for domestic use. This is to the question which has just been raised by the able and distinguished Senator from Ohio. Not all of these demands are realistic. Three-quarters of the coal the United States sends to other countries is premium quality metallurgical coal, much of it from West Virginia. This is high-priced coal for a specialized purpose, and utilities are generally reluctant to pay metallurgical coal prices for boiler fuel. Not all of them have equipment that can burn that kind of coal, because their furnaces may have been deliberately designed to burn lower quality coal, which is lower in cost.

There is another consideration when we speak of Government intervention to reduce exports. Much of the coal being exported has been sold on valid long-term contracts. If the Government of the United States breaks these contracts by fiat, I think we can say farewell to the export market, which contributes more than half a billion dollars a year to our balance of payments and helps sustain the economy of much of the free world. Therefore, if the day should come when we must think seriously of restrictions on coal exports, those restrictions should apply first to shipments which have diverted from traditional markets to the export trade.

It is ironical that many of the persons who are now attacking the coal industry for not producing enough coal for electric utilities were only a few months ago attacking the utilities for burning coal, because they said it caused air pollution. It is unfortunately true that the kinds of coal which are low in sulfur content are also most prized for steelmaking and are high in price and least abundant. If producing coal enough to meet all the Nation's demands for it is difficult, it is fairly impossible to fill all those demands with low sulfur coal to meet strict air pollution control standards. However, this does not mean we must forever make a choice between electric power and clean air. Processes are being perfected to take the sulfur out of the stacks of coal-burning powerplants. Pilot installations are now being installed, and most authorities believe that in 2 or 3 years these facilities will be commercially acceptable. The administration has recently and wisely decided to share in the funding of some of these large-scale demonstration plants. I think it will not be too long before utilities are able to install sulfur removal equipment and burn high sulfur coal well within the limits of our pollution control regulations. But that day is not at hand here in the late summer of 1970. And if low sulfur coal is scarce, so is low sulfur oil. And natural gas is in such short supply that some utilities, such as Commonwealth Edison in Chicago, are already having to substitute coal for the gas they would normally burn.

Meanwhile, Federal, State, and local governments have been imposing restrictions on sulfur emissions from powerplants and on the sulfur content of fuels. I suggest that it may be time for government at all levels to consider a temporary readjustment of these severe restrictions until equipment to remove sulfur from the stack gases is commercially acceptable and available. I am not suggesting that we abandon the clean air act, but I am suggesting that we pay some mind also to the prospect of power brownouts and blackouts. I think as a matter of national policy we may have to thread our way between these two demands until the equipment is available.

I think we in Congress must face up to the fact that our passage of the Federal Coal Mine Health and Safety Act last year has had some effect on coal production and on the cost of mining. The bill may have an even greater impact when the rigid limits on respirable dust in coal mines take full effect and are lowered still further.

All social legislation has a price tag, and this may be the price we must pay for adequate protection for the health and safety of coal miners. We must never put production and cost ahead of health and safety. Responsible coal operators do not wish to do so, and, of course, Congress does not wish to do so. On the other hand, I think we have a responsibility to keep an eye on the enforcement of the act and if it begins to seriously inhibit production we have a duty to reexamine it, in the light of experience, to see if the health and safety of miners can be as adequately protected by measures that will not inhibit production.

Still another factor in the coal shortage is a shortage of railway cars on some lines. Mr. President, the railroads are short of coal cars for the same reason that the coal industry is lacking in excess productive capacity and the electric utility industry is near the limits of its generating capacity. At least one reason central to the problem of all three industries is the fact that the Government oversold atomic power. The great promises of the Atomic Energy Commission, echoed by the makers of reactor equipment, have not come true.

Only a few years ago we heard a lot about how atomic power was going to take over the electric utility industry. Some of the biggest utilities in the country said they had built their last coal plant. They flooded the manufacturers with orders for atomic plants. They failed to sign long-term contracts for coal.

Today most of those atomic power plants are not producing power. If they were scheduled to be producing by 1970, the most optimistic estimates are that they may make it in 1972. Meanwhile, the utilities are caught in a triple bind. They are having to run their coal-fired plants to replace the power that is not being produced by their atomic reactors. They seriously underestimated the amount of power they would need this year, and so for that reason also they are having to run their older plants longer than they expected. And for both of these reasons, inasmuch as they did not sign a long-term coal contract, they are having trouble getting adequate fuel supplies.

And the reason for this is plain—with the Government and their best customers telling them that the utility market is going to vanish, the coal companies and the railroads slowed down or halted their investments in expensive new mines and coal cars. And if their confidence was not shaken, surely that of the banks was. The investment for these purposes, to serve a market that the customers and the Government said was not going to exist, just was not forthcoming.

It costs a good many million dollars to open a new coal mine these days, and no prudent businessman is going to venture that sort of investment without some assurance of a market. And railroads which have plenty of other troubles, were reluctant to invest in rolling stock which might have nothing to carry.

Nevertheless, it is essential to get more railroad cars to carry coal. It is obvious that some of the railroads are in no position to finance them. I believe if Government money or loan guarantees were made available, the railroads would get new cars as fast as they could be built, which would mean the new equipment would start carrying coal in about 6 months. I make this suggestion knowing that Government aid to the railroads is a controversial subject. I do not make it for the purpose of aiding the railroads, but of helping all of the Nation's economy to get the coal it needs.

Mr. President, those are a few suggestions which may help the Nation through the coal shortage of the next few months. They are not long-term solutions, and long-term solutions are urgently needed.

The Nation's consumption of energy is growing so fast that a continuing shortage of fuels seems likely unless we take some steps to prevent it. These steps involve some questions of long-term national policy. The cost of energy is an important segment of the national economy and as I have said, energy seems likely to become more costly than it now is. To let any major slice of that energy bill go to foreign producers would have such a profound effect on our balance of payments that it would cripple national economy. Therefore, the United States must place its primary reliance on domestic sources of energy.

Therefore, the Congress should adopt a national energy policy as a matter of law. It should decide what percentage of our future energy requirements was allowed to come under foreign control. Aside from the effect on the balance of payments, we have a recent illustration of the dangers of depending too heavily on foreign sources of oil—reportedly, a bulldozer broke an important pipeline in the Middle East, and as a consequence, tankers have been having to bring oil to the United States around the Cape of Good Hope instead of from the Mediterranean. If one takes the prospect of more misguided bulldozers and adds to that the prospect of misguided or hostile foreign governments, or even those just seeking a diplomatic advantage, one begins to have cogent reason for placing the main reliance on domestic fuels.

Another reason for making that decision, and writing it firmly into law is that investors will be discouraged from risking their money in new coal mines or oil and gas wells if they have no assurance that the market will not be suddenly flooded by low-priced foreign oil. And I think, realistically, we must realize that we will ultimately require synthetic fuels from coal or from oil shale, and the plants to produce these fuels will be quite expensive. Again, investors must have some confidence that there will be a market for their product before they will put money into such plants. And I submit that it is in the national interest to give that assurance.

There is another step which we in Congress can take. We should strike a better balance between the funds the Government spends for research in fossil fuels and for research in atomic power. As of now, they are wildly out of balance. I do not suggest that more Government-sponsored research in fossil fuels would solve the energy shortage in the next few months, but in the long term I think there are great advantages to the public if we are able to bring about production of synthetic fuels from coal and oil shale, or find means of using our reserves of fossil fuels more efficiently and with less effect on the environment.

Mr. President, I suggest that Government financing or loan guarantees be considered as possible steps to increase the coal-car supply over the short term. However, I think we must be looking also for a long-term assurance of adequate car supply. Whether this be achieved by additional tax incentives to the railroads, direct government funding, or other measures, I do not know. But it is certain that the problem must be solved, because producing coal does no good unless we get it to the consumer.

The Government could also increase the incentive to invest in coal mines by increasing the depletion rate for coal. This rate is now only 10 percent of the gross income from the property, with a limit of 50 percent of the net. And if synthetic fuel is to be derived from coal, certainly it would be equitable to advance the depletion valuation point to some stage past the mining process. This was recently done with oil shale. Certainly synthetic fuel from coal should have depletion treatment of the same sort as that given to competing fuels.

Another minor adjustment of the tax laws which would help solve the energy shortage would be to allow rapid amortization of sulfur abatement facilities. This would encourage their construction, and thus encourage the use of high-sulfur fuels which cannot now be burned in some areas under air pollution control regulations. It would encourage a fuller use of all of our resources.

When we passed the Federal Coal Mine Health and Safety Act last December, we authorized funds for research in new methods of mining coal with less risk to the health and safety of miners. We should be sure that Congress appropriates the funds it has authorized to carry this research to completion. I suggest there may be a particular need for more research in means of producing coal efficiently within the rigid dust limits set by the new law, or finding some means of adequately protecting the health and safety of miners without strangling the output of coal which the Nation so greatly needs.

Mr. President, coal is the most important industry in West Virginia. More importantly, however, it is the most abundant fuel in the United States. It makes up about 88 percent of all proved reserves of fuel of any kind, including uranium and oil shale, and three-quarters of all the fuel which the geologists think we will ever find anywhere within the limits of the United States or its continental shelf. Therefore, it is our best long-term bet for an adequate energy supply, and we had better be taking steps now to assure that supply in the months ahead and in the long-term future.

Mr. SAXBE. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield.

Mr. SAXBE. The Senator has no doubt observed the acquisition by large oil companies of substantial holdings in the coalfields. The question arises as to whether this in itself indicates an effort to corner the fossil fuel market in this country, or its marketing and producing. Has the Senator considered that idea?

Mr. BYRD of West Virginia. I must say this is an appropriate question, but, at the same time, we have to recognize that the opening of modern, new mines is a most expensive and risky venture. Not every coal operator has that kind of money to invest in the operation of a modern, new mine. The requirements of a new mine, under the Health and Safety Act, impose still greater costs than ever before upon the mine operator. I venture to say that the kind of capital required to open a modern, new, producing mine can come only from some of the very large companies.

Mr. SAXBE. Mr. President, the distinguished Senator from West Virginia has touched on another point in which I am greatly interested, and that is the rapid amortization of pollution control equipment that not only utilities but also a great many other plants could utilize so as to be able to use coal.

I am thinking particularly of the steel plants that use this same type of high-sulfur coal. They would rather not use it, but are forced to do it.

I have suggested that there should be a 5-year writeoff on this type of scrubbing equipment, as it is called, to clean up the pollution. If that can be accomplished, it would open up markets for what is presently unacceptable coal; would it not?

Mr. BYRD of West Virginia. It would.

Mr. SAXBE. And in that way it would permit plants, especially those located in urban centers, to use the coal not now readily available to them.

Mr. BYRD of West Virginia. It would. And it would greatly encourage those plants to invest the kind of money that is needed to purchase this costly equipment.

Mr. SAXBE. The bill which I introduced is now before the Committee on Finance. It has the approval of the Public Works Committee and others, as I understand it. It is now before the Finance Committee with the hope that it will get the kind of support that is necessary so that we can do something in the immediate future to encourage these companies to go into the purchase of this air pollution equipment.

Another part of the same bill is the granting of Federal guarantees, not direct loans, to small companies who cannot find the financing through banks to go into the purchase of this pollution control equipment.

With a combination of loans, and these are small—they do not go to the large industries—we could handle small industries with a quick writeoff and also provide bank financing on a guaranteed basis. Otherwise, we will have a closing-down of the plants and losing of the jobs.

We want smoke abatement. We want smog out of the air. But we have to cooperate with these plants, too, if we expect them to be able to do this.

Mr. BYRD of West Virginia. Mr. President, the Senator is correct. We want to get on with the control of air pollution. But at the same time that this is being done, we must keep in mind the continued operation of the coal mines and the employment of the people who work in them.

Mr. President, I compliment the Senator on his bill. I think it is typical of the foresightedness and vision which he has displayed so many times during his service in the Senate.

I would certainly hope that if the Finance Committee is not able to give attention to the Senator's bill this year, the Senator will reintroduce it in the new Congress which convenes in January.

It appears to me, without having stud-

ied the bill, that it certainly is worthy of very careful and prompt attention.

I thank the Senator.

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

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

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

The Senate continued with the consideration of the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

Mr. ALLEN. Mr. President, debate on this issue has been proceeding for almost a week. Frankly, I am amazed at the lack of enthusiasm for this so-called great basic change in the law of the land, a change which, it is said, a great majority of the people of this country want and demand. Why this lack of enthusiasm? The Senator from Indiana has spoken, the Senator from Idaho spoke, the Senator from Maryland spoke, both the Senator from Michigan and the Senator from Tennessee spoke. Certainly no extended debate on the part of opponents of this measure has taken place.

Mr. President, I must conclude from this lack of enthusiasm on the part of proponents of the measure that there is not nearly so much demand for the direct election of the President and Vice President as has been made to appear, else why do we not have debaters come to the Senate Chamber and express their views with respect to the measure? The junior Senator from Alabama had not intended to speak on this issue but he had expected to hear from some of those who favor the direct election of the President.

Mr. President, actually what is the hurry? Why are we considering this measure to the exclusion of the many measures and issues that need to be discussed and decided by the Senate? What is the hurry? The resolution itself provides that it shall not go into effect until 1 year after the first April 15 following its ratification. That would mean that for this suggested change in the Constitution to be used in the 1972 elections it would have to pass the Senate, be agreed to by the House, or by a conference, the report approved, and the resolution then ratified by three-fourths of the State legislatures, all before April 15 of next year, a physical impossibility.

So it is suggested, if it passes—and I have my serious doubts that it will—it could not become effective until the 1976 presidential election.

Mr. President, some of the distinguished Senators who have discussed this issue have said that we need to choose the best plan, we need to submit back to the State legislatures the very best possible plan, if we are to change the basic law of the land.

There seems to be a great deal of difference of opinion as to what is the best plan to submit back to the States. The distinguished Senator from Indiana (Mr. BAYH), who now pushes Senate Joint Resolution 1, providing for the direct election of the President, with a runoff provision, at one time supported what is loosely called the Katzenbach plan, which is the automatic casting of the electoral votes.

The Senate of the United States at one time passed the Lodge-Gossett proportional plan.

Two of the distinguished Senators whose names appear as cosponsors of Senate Joint Resolution 1, the direct election measure, have offered the amendment that is now under discussion—the distinguished Senator from Michigan (Mr. GRIFFIN) and the distinguished Senator from Maryland (Mr. TYDINGS)—and they criticize, in the report of the Judiciary Committee, of which they are both members, in most scathing terms, the runoff provision provided by Senate Joint Resolution 1.

They point out that they do not favor the runoff plan and criticize it most severely.

Another sponsor, the distinguished Senator from Tennessee (Mr. BAKER), said that he would prefer a 50-percent requirement for the successful candidates for President and Vice President rather than the 40 percent provided by Senate Joint Resolution 1, in order to prevent a runoff.

So what is the hurry? Why insist on the passage of this measure when there is apparently no unanimity of opinion on what is the best plan to submit?

Let me point out that under the provision of Senate Joint Resolution 1, if it is passed by a two-thirds vote of each House, it will be submitted to the States, and it will have 7 years to be accepted, ratified, or agreed to, by three-fourths of the States.

So if it is later decided, after it is ratified, that the runoff provision is bad, and if there is a presidential election and a runoff is required and it works in such an unfortunate way as to indicate that certainly it is not what we want, it will take another constitutional amendment to change it.

Then, too, pending the ratification by the States of the measure, a 7-year period being allowed, in all likelihood there would be no change possible at that point on the method of choosing the President and Vice President of the United States as long as the measure was before the State legislatures.

I do not maintain that it would be impossible to submit another amendment different from this amendment, but the chances are that if the Senate and the House should submit Senate Joint Resolution 1, providing for the 40-percent requirement and the runoff when no candidate received as much as 40 percent, as long as it was pending before the States there could be no hope of submitting another plan, because the reaction would be, "Well, let us see what the States are going to do with this plan before we submit another."

So we find numerous views with respect to the best possible change of the electoral college.

Back in 1824, John Quincy Adams, who received, supposedly, fewer popular votes than did Andrew Jackson, was chosen President of the United States by action of the House of Representatives, because no candidate received a majority in the electoral college. So if anybody had any right to object to the electoral college system, it certainly would have been President Andrew Jackson, who won the Presidency 4 years later.

The plan he proposed was not direct election, but the district plan. I feel that as soon as action has been taken on the Griffin-Tydings amendment, the district plan and the proportional plan will probably be offered as amendments.

The plan favored by President Andrew Jackson was the district plan. Under the present system, as we all know, each State has the same number of electors as it has Senators and Representatives. Under the district plan each State would retain the same total number of electors—two for the two Senators and then the same number of electors as it has Members of the House.

Under the present system, all of those votes are handed as a unit to the winner of the popular vote in the respective States. But under the district plan, the votes of only two of the electors, in effect representing the two Senators, would go to the winner in the State vote, and the other electors would be divided out among the candidates for President based on their votes in the respective congressional districts. That is called the Mundt plan because of its chief sponsor, the distinguished Senator from South Dakota (Mr. MUNDT).

That was the plan suggested by President Andrew Jackson—not the direct plan.

Under the Lodge-Gossett plan—and I believe that an amendment of that sort is going to be offered by the distinguished Senator from North Carolina (Mr. ERVIN)—the electoral vote of a State is divided among the candidates in proportion to the popular vote of the various candidates in the respective States. That would eliminate the office of elector, and would divide the electoral votes out among the candidates in proportion to their popular vote in each State.

Mr. President, much has been said about the fact that a candidate for President who wins in the electoral college and does not win the popular vote will not have a proper mandate from the people, that he cannot govern effectively because of not having received a majority of the popular votes or a plurality of the popular votes.

Yet Senate Joint Resolution 1 provides for the election of a President and Vice President, without a runoff, with as few as 40 percent of the popular votes of the country.

What sort of mandate is that—40 percent of the popular vote? Mr. President, they are concerned about whether the winning candidate for the Presidency in the electoral college also has a majority

of the popular vote. Under the direct system, in a three-way race for the Presidency, it would be possible for the winner of the Presidency and the popular vote leader not to carry a single State in the United States, and still be the popular vote leader.

How could that be? How could the candidate who receives the most popular votes not carry a single State?

It is very easy. Assume a three-way race for the Presidency. The popular vote leader runs behind the second man in the popular vote in 49 States by the margin of 1,000 votes. Then in the 50th State, he runs behind the third candidate, but 50,000 votes ahead of the second candidate.

That, then, would have him carrying not one single State of the Union, but still the popular vote leader.

How much of a mandate does anyone think that a President who did not carry a single State in the Union would have? I call attention to this outside possibility because the argument has been made time and time again on this floor that if a few thousand in this State and a few thousand in that State had been switched in 1968 or in 1948, it would have resulted in the second man in the popular vote being elected by carrying a majority in the electoral college. Senators have expressed great apprehension lest the man who received some thousands or hundred thousands of popular votes less should receive a majority in the electoral college.

Mr. President, there is a much better chance of the Nation's second choice being elected President under the direct election system than under the electoral college system, because under the direct system, if the leading candidate receives fewer than 40 percent—say he gets 39 percent—the second candidate receives 21 percent, and the third candidate—and there will be a third one, a fourth one, a fifth one, and a sixth one, if we ever pass this ill-conceived measure—but if the leading candidate gets 39 percent, the second 21 percent, the third 20.5 percent, and the fourth 19.5 percent, we would then have a runoff between the 39-percent candidate and the 21-percent candidate.

Mr. President, as the distinguished Senator from Maryland (Mr. TYDINGS) and the distinguished Senator from Michigan (Mr. GRIFFIN) pointed out in their separate views expressed with regard to Senate Joint Resolution 1—this is not the junior Senator from Alabama making this suggestion; this is two distinguished Senators who joined as cosponsors of Senate Joint Resolution 1, providing for a runoff if no candidate receives as many as 40 percent of the votes in the first election—quoting from the bottom paragraph of page 16 of the report of the Committee on the Judiciary:

> In view of this attractive political framework, the direct election plan, as embodied in Senate Joint Resolution 1, opens the door to public political bargaining with the most far-reaching consequences. Concessions wrung from major party candidates either before or after the first election would be made in a heated atmosphere conducive to the creation of public distrust. Given the fact that bargaining before the runoff election would take place under conditions of division and disappointment, cynical political moves might in themselves lead to a crisis of respect and legitimacy in the selection of the President. Undoubtedly, the aura of legitimacy would be all the more in doubt where the runner-up in the initial contest wins the runoff by wooing third-party support. In such a case, the question of legitimacy is sharpened even further if the turnout in the second election is substantially lower than in the first election.

Talking about a second choice, that is what we will end up with under the direct election plan. At least, under the electoral plan, carrying a majority in the electoral college shows that you are carrying either a majority of the States or a sufficient number of States that their Representatives and Senators constitute a majority of all of the Representatives and Senators.

Mr. President, the figure was set by the author of the bill which would elect a candidate as President at 40 percent. It has always been traditional in American politics, in American government, that the man elected to political office gets a majority of something. He has to have a majority of something. If he is a school superintendent, chosen by a schoolboard, he gets a majority of the school board. If he is appointed to a position by any board, he has to get a majority of the members of the board to be named. Under the electoral system, at least he has to get a majority in the electoral college; and if he does not get a majority in the electoral college, he has to get a majority of the States in the House of Representatives. So it takes a majority, a majority of something, to elect a President under the present system.

Under the present system, there is a runoff. The runoff is held in the House of Representatives, where each State delegation votes one vote. But it is a majority of something. So if the distinguished Senator from Indiana is worried about the successful candidate for the Presidency not receiving a majority of the votes, he can rest assured that he receives a majority of something; whereas, under the resolution which he is sponsoring, a candidate can be elected President of the United States without receiving a majority of anything.

So let us have majority rule. Let us not stand for 40-percent rule, and that is what we would have under Senate Joint Resolution 1.

Mr. President, the status of the question before the Senate at this time is that Senate Joint Resolution 1 is before the Senate and the amendment of the distinguished Senators from Michigan and and Maryland is pending. The amendment of the distinguished Senators from Michigan and Maryland eliminates the runoff provided for by Senate Joint Resolution 1. It does it by, at one step, invoking again the electoral college.

There must be something splendid, something admirable, something highly commendable, something efficacious in the electoral system, because in more than 180 years there has not been sufficient sentiment behind any other plan to do away with the electoral college. Under the various plans to which I have alluded which are being considered in addition to Senate Joint Resolution 1, the electoral college or some reasonable facsimile thereof or counterpart thereof is employed. Under the district plan which has been suggested, the electoral college is retained, divided up somewhat differently, breaking it down a little, where the votes that any candidate for President gets in a State will have representation in the electoral college if it is as much as leading the vote in one congressional district. Yes, the automatic system, by which the office of elector is abolished and the votes of electors are automatically cast for the winning candidate in the respective States, but still employing the Federal principle, the division of the electors among the respective States on the basis of their representation in the House and in the Senate of the United States.

Yes, even the proportional plan uses the electoral college or a modification of it. It still retains the voting strength of the electoral college, and it retains the principle of a candidate receiving electoral votes on the basis of the popular votes that he receives in the respective States, instead of the winner-take-all policy. It would provide that the electoral vote of each State would be divided among the candidates in proportion to the votes that the candidates receive in the respective States. But they are still using the electoral college system. They are still using counterparts to the electors. They are just putting it on a computer, more or less. It is a computerized electoral college—that is what the proportional plan is.

The so-called Federal plan is sponsored by the distinguished Senator from Kansas (Mr. DOLE) and the distinguished Senator from Missouri (Mr. EAGLETON).

Senator EAGLETON is one of the sponsors of Senate Joint Resolution 1; yet, apparently, he differs with it, because he has a different plan of his own which he is going to offer separately or possibly as an amendment to the present bill.

What is the so-called Federal system? I believe that is Senate Joint Resolution 181. What does it provide, and how does it use the electoral college? It provides that the winner of the popular vote throughout the country—it is not 50 percent, it is not 40 percent, as stated in the amendment—is declared elected provided he carries a majority of the States or he leads in those States which cast a majority of the popular votes in that particular election. So if he was the popular leader and he either carried 26 States or led in the States that cast the majority of the votes, he would be declared elected. Then if that does not produce a winner, the contest goes to the electoral college, and if any one of the candidates receives a majority in the electoral college , he is declared the winner; and then it goes one step forward, still in the electoral college, that if none of the candidates obtains a majority in the electoral college, then we dismiss all the candidates except the top two, and divide the electoral votes of the other candidates who are eliminated among the top two in proportion to the vote which the

candidates got in the States represented by those electors.

So, Mr. President, we have all sorts of plans, all sorts of suggestions, and practically every one of them, except the direct plan, is built around the electoral college plan in some way, showing that the electoral college has merit, that it is recognized it has merit, and that it should not be done away with.

Mr. President, we were talking about the amendment of the distinguished Senator from Michigan (Mr. GRIFFIN) and the distinguished Senator from Maryland (Mr. TYDINGS). The junior Senator from Alabama was suggesting that they, too, use the electoral college to build their plan around. Yet they are for Senate Joint Resolution 1, but they find fault with the resolution they are sponsoring and suggest an alternative plan.

I am pointing these things out to show that there is no unanimity of opinion, that there is no agreement that this plan and this plan alone is the one that should be submitted back to the people. As I suggested, the Senate itself has passed, by more than a two-thirds vote, the Lodge-Gossett plan which was and is the proportional system. Thus, the Senate, just a few years ago, thought that the proportional plan should be submitted to the States. Now they are talking about direct election with just 40 percent—a minority not a majority. We have always heard about majority rule, let the majority rule. But a 40-percent rule is what this amendment that is being discussed would provide.

Now what does the Griffin-Tydings amendment do? That is what is actually being discussed, I assume, at this time, because the pending question is whether it should be adopted as an amendment to Senate Joint Resolution 1.

It provides for the election of the President and Vice President in as many as three steps. It could be accomplished on the first step, by complying with the first and second steps, or it might take all the steps, 1, 2, and 3. As the junior Senator from Alabama understands the Griffin-Tydings amendment, it does eliminate the runoff and, in that respect, it is a much better provision than Senate Joint Resolution 1.

Mr. ERVIN. Mr. President, would the Senator from Alabama yield now, or at an appropriate time?

Mr. ALLEN. I will, at an appropriate time, if the Senator would excuse me, as I wish to try to point out what the Griffin-Tydings amendment provides.

Mr. ERVIN. Certainly.

Mr. ALLEN. The Griffin-Tydings amendment provides for the President and Vice President to run as a team—and Senate Joint Resolution 1 also does that, to run as a team—and you could not vote for one without voting for the other. That is certainly an innovation right there from the original Constitution. If one of these teams of two should get 40 percent of the popular vote, they would be declared elected President and Vice President. If no team of two candidates got as many as 40 percent, then they would go to step 2 to see if they could comply with that. There again comes in the electoral college. They do not get too far from it because it is the best system that has yet been offered. They come to the electoral college, or a reasonable counterpart of it, which provides that if one of the teams of two carries a sufficient number of States, and the total number of Senators and Representatives from those particular States constitute a majority of all of the Senators and Representatives in the Congress, then that would comply and that, then, would elect the top team of two which had not received the 40 percent. That, in effect, is resort to the automatic plan which, I believe, is included now in Senate Joint Resolution 191. So that they do not have this danger that has been pointed out this afternoon by the distinguished Senator from Idaho (Mr. CHURCH), of the possibility of so-called faithless elector—an elector who is elected on one ticket but exercises his independent judgment and decides to vote for someone else. That could not happen. That would just be an adding machine transaction, to add up and see who got the votes of the electors or who carried a sufficient number of States to constitute a majority of the House and Senate. If they comply with that, if the top two—it has to be the top two—fail to get 40 percent, if they do get a majority in this facsimile of an electoral college, they are declared elected President and Vice President.

But, then, suppose no team of candidates got as many as 40 percent—no team of candidates gets a majority in the facsimile or counterpart of an electoral college, then they go to step three. That is just a modification of the present plan, Mr. President. That is where the runoff is. It is not a popular election runoff, but a runoff in the House of Representatives.

Mr. President, it changes the existing plan of having the top three names submitted to the House of Representatives, in which event the House of Representatives must vote as State delegations, each State having one vote to decide who should be elected President. That is the present system. And, of course, the Vice President would be elected by the Senate from the top two names under the present system.

As I suggested, under Senate Joint Resolution 1 and under the Griffin-Tydings amendment, they run as a team of two. So, if they do not get elected by step one or by step two, they go to step three, which is a selection by the House of Representatives from the top two candidates, that selection to be made by the incoming Congress which would be called into special session in early December. I do not recall the exact date. There, in joint session, the members of the new House and Senate would choose the President and Vice President from the top two teams of candidates.

That is an improvement, probably, over Senate Joint Resolution 1. But just because it is an improvement over Senate Joint Resolution 1 does not mean that it is a good measure. It is not. It still has the 40 percent provision in there. It has provision for a minority President, a President not elected by a majority of anything. So it does not provide the proper method of choosing a President and Vice President. But it is better than the infamous runoff provision contained in Senate Joint Resolution 1.

Mr. President, I am delighted to yield to the distinguished Senator from North Carolina for a question or for comments, provided I do not lose my right to the floor.

Mr. ERVIN. Mr. President, does not the Senator from Alabama agree with the Senator from North Carolina that the Griffin-Tydings amendment has some of the manifestations of intellectual schizophrenia?

Mr. ALLEN. The Senator is correct. It has three different things grouped together.

Mr. ERVIN. In order words, we would have, first, the popular election.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Mr. President, instead of the proponents sticking to the popular election throughout, where they have to provide population, they forthwith flee from the population matter to what is presently in the electoral college system.

Mr. ALLEN. In effect, the Senator is correct.

Mr. ERVIN. And then they flee from the disguised form of the present electoral system to the selection by Congress, the two Houses sitting together.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Is there anything contained in either Senate Joint Resolution 1 or the Griffin-Tydings amendment to Senate Joint Resolution 1 which specifies who will determine what candidates for President and Vice President would have to be joined together on the ticket, having received 40 percent or more of the popular vote?

Mr. ALLEN. There is not. Both measures are as silent as a tomb on that point.

Mr. ERVIN. Mr. President, does not the Senator think that is a very grave omission, because it is just as important to determine who has been elected President as it is to vote for a President?

Mr. ALLEN. That is true. The Senator is correct.

Mr. ERVIN. Mr. President, as far as Senate Joint Resolution 1 declares and as far as the Griffin-Tydings amendment declares, both proposals leave somewhere in the womb of uncertain future any provision for determining who got elected President or whether anyone was elected President by the popular vote system.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. The present Constitution in amendment 12 prescribes a specific method by which is to be determined who is elected President, and it provides that the returns in each State shall be certified and sent to the President of the Senate and sent to the seat of the government and that when Congress convenes in joint session, the Congress thus determines who has the majority of the electoral votes, and who, as a consequence, is elected President and who has the majority of votes for Vice President and who is elected Vice President.

Mr. ALLEN. The Senator is correct. And that system has worked mighty well.

Mr. ERVIN. Mr. President, as far as

Senate Joint Resolution 1 or the proposed Griffin-Tydings amendment to Senate Joint Resolution 1 are concerned, they make absolutely no provision for determining whether anyone has received 40 percent or more of the popular vote for President and Vice President. They leave that matter to be determined at some future time by some act of Congress.

Mr. ALLEN. The Senator is correct. They do. They do provide for election by 40 percent. They nail that down in the Constitution. They nail the runoff provision down in the Constitution. The two most undesirable features of the entire measure are written into the basic law of the land.

Mr. ERVIN. And then it leaves for the future the determination of how we determine that. It says:

> The Congress shall prescribe by law the time, place, and manner in which the results of such elections shall be ascertained and declared.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Mr. President, if Congress does not act, we could have court proceedings either under Senate Joint Resolution 1 or under the Griffin-Tydings amendment to Senate Joint Resolution 1, if we have a controversy respecting the vote, in every precinct in the United States, which could be carried into the courts.

Mr. ALLEN. That is certainly true.

Mr. ERVIN. Mr. President, if my memory serves me correctly, it seems to me that there are 184,000 election precincts in the United States.

Mr. ALLEN. Mr. President, I have seen that number suggested, yes, sir.

Mr. ERVIN. So we have a possibility of controversies resulting in lawsuits in State courts and Federal courts involving the question of how the votes were cast in as many as 184,000 electoral precincts.

Mr. ALLEN. That is certainly true.

Mr. ERVIN. Does that not indicate the real, serious problem which Senate Joint Resolution 1 presents both in its original form and in the form in which it would be if the pending amendment were added to it. That is, they convert entirely in Senate Joint Resolution 1 and as a first step in the amendment the 184,000 election precincts under the presently existing 50 States and the District of Columbia into one great big single election precinct.

Mr. ALLEN. That is true. Yes, sir. One of the beauties of the present plan is that the votes in each State are isolated and insulated. If there are any irregularities they can be settled and handled on a State basis rather than, as the Senator has said, to throw into consideration and into the contest the votes in 184,000 precincts.

Mr. ERVIN. All this is being done, according to the first provision of the pending amendment, for the avowed purpose of allowing the man who gets the most votes to be President of the United States.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. I ask the Senator if the history of the United States does not show that the candidate receiving the largest popular vote for President has been elected in every election this country has had with the exception of the election in which Grover Cleveland was the Democratic candidate for the second time, and when he was confronting Benjamin L. Harrison, and if it did not happen that he received 100,000 fewer popular votes but more electoral votes.

Mr. ALLEN. I understood from the Senator that that was his understanding. Of course, that leaves out the contests of 1824 and 1876. I would be happy if the Senator would give his views on those two instances.

Mr. ERVIN. It was not until after the election of 1824, if I recall correctly, that all States had popular elections.

Mr. ALLEN. Yes. New York at that time had electors chosen by the State legislature, which they have a right to do since this provision is in the Constitution.

Mr. ERVIN. Is it not true that in the early days of the Republic many States had their presidential electors chosen by the State legislature rather than by popular vote within the State?

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. So the answer implied to the question I put to the Senator from Alabama a moment ago is that in every case the States went fully to popular election of presidential electors; that in every election since that time the candidate receiving the largest popular vote was elected by the electoral college system, except in the case of Grover Cleveland.

Mr. ALLEN. As has already been suggested, in 1876 the Tilden-Hayes election by hijinks went to an electoral commission.

Mr. ERVIN. I ask the Senator from Alabama if these words—

> The Congress shall prescribe by law the time, place, and manner in which the results of such elections shall be ascertained and declared—

Do not make it constitutional for a partisan Congress to emulate the example of New York which, in effect, stole the 1876 election from Samuel Tilden, the Democratic candidate, and gave it to Rutherford B. Hayes, the Republican candidate.

Mr. ALLEN. Yes, it would leave that door open. It should be nailed down in the Constitution, as the Senator from North Carolina pointed out is the case now under the 12th amendment under which we are still operating.

Mr. ERVIN. The Senator from Alabama recalls, does he not, that after the 1876 election Congress provided that the determination of the question of whether Tilden or Hayes had a majority of votes should be determined by a commission which Congress created.

Mr. ALLEN. Yes, sir.

Mr. ERVIN. And which Congress took pains to see had a majority of at least one which belonged to the majority party which controlled Congress.

Mr. ALLEN. The Senator is correct, and they voted 8 to 7 along party lines.

Mr. ERVIN. And in so doing they apparently disregarded testimony they took with respect to the election in the State of Louisiana and the evidence relating to the election in the State of Florida.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. So we have here in Senate Joint Resolution 1, which is submitted by Congress to the States and ratified by a requisite number of States, an instance where we would make it constitutional for a partisan majority in Congress—I started to say "pilfer" but that is too mild a form of larceny for such a thing as stealing a presidential election—which enables them to establish a system under which a majority of Congress could thwart the will of the people and declare a man to be President who receives less than the popular vote to be President and at the same time prescribe there can be no inquiry to determine the accuracy of their decision.

Mr. ALLEN. Yes, sir.

Mr. ERVIN. In addition to authorizing such chicanery on the part of Congress, Senate Joint Resolution 1 and the first stage of the Griffin-Tydings amendment converts the entire United States into one election precinct.

Mr. ALLEN. It certainly does.

Mr. ERVIN. And makes it crucial, or makes it possible to have a contest as to whether the votes were irregularly cast and whether there was fraud or corruption, or a miscount in 184,000 different election precincts.

Mr. ALLEN. It would be a monumental task just to recount without any allegation of fraud, but just to recount the votes would be a monumental task.

Mr. ERVIN. Does the Senator recall that the election of 1960 and the election of 1968 were exceedingly close and that considering the magnitude of the number of votes cast, for all practical purposes just a mathematical percentage separated the winner from the loser.

Mr. ALLEN. That is all.

Mr. ERVIN. Does not the Senator from Alabama infer from that there is a possibility, a real possibility, that under Senate Joint Resolution 1, and also under the first step described in the pending amendment, that it might possibly be months and months or even years before it could be determined who, if anyone, received 40 percent of the votes.

Mr. ALLEN. The Senator is correct. It very well could be.

Mr. ERVIN. Does the Senator from Alabama agree with the Senator from North Carolina that the proponents of the pending amendment are not willing to abide by the old adage that we should make everything fish, fowl, or red herring and, therefore, they offer three alternative methods of selecting the President?

Mr. ALLEN. They have. They have given us our choice. Let us take the second choice, which is the electoral college.

Mr. ERVIN. If the electoral college is a sufficient criterion to determine the question when a controversy arises as to whether a candidate received 40 percent of the popular vote, does not the Senator think it would be well for us to abide by the old ship and sail these troubled seas without confusing the situation further?

Mr. ALLEN. I thank the distinguished Senator.

Mr. ERVIN. I thank the distinguished Senator from Alabama.

Mr. ALLEN. Mr. President, I have a prepared address on this subject that I did not get around to using, for the distinguished Senator from West Virginia has called my attention to the fact that at this time we are supposed to have the farm bill laid before the Senate. With the thought in mind that an opportunity may present itself later to make use of the prepared address that I have, I will yield the floor to the distinguished Senator from West Virginia for the purpose to which I have alluded.

Mr. ERVIN. Mr. President, I would like to suggest to the Senator from Alabama that before he does that, he make a unanimous-consent request to the Senate that the remarks he has thus far made shall not count as a separate speech on the issue before the Senate, but that the subsequent remarks on this subject by the Senator from Alabama shall be counted as the first speech.

Mr. ALLEN. Mr. Presiden, I ask unanimous consent that the continuation of my remarks at a later time in conjunction with these remarks be considered as one speech, inasmuch as I have yielded the floor at the request of the acting majority leader.

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

ORDER SETTING ASIDE THE PENDING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that it remain in that status until the close of morning business tomorrow.

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

EXTENSION OF TIME FOR FILING REPORT ON CONSUMER PROTECTION ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time for reporting S. 3201, the "Consumer Protection Act of 1969," which was referred to the Judiciary Committee and was supposed to have been reported today, be extended up to and including Friday, September 18, 1970. I do this, as I recall, with the full knowledge and consent of the chairman of the Committee on Commerce (Mr. MAGNUSON), who is unable to be here today. It is my understanding that before that time, contact will be made with the Senator from Washington (Mr. MAGNUSON) and the Senator from New Hampshire (Mr. COTTON), ranking Republican member of the Commerce Committee.

The PRESIDING OFFICER. Without objection, the time will be so extended.

AGRICULTURAL ACT OF 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1172, H.R. 18546.

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

The title of the bill was read, as follows: H.R. 18546, a bill to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Agricultural Act of 1970".

TITLE I—PAYMENT LIMITATION

SEC. 101. Notwithstanding any other provision of law—

(1) The total amount of payments which a person shall be entitled to receive under each of the annual programs established by titles IV, V, and VI of this Act for the 1971, 1972, or 1973 crop of the commodity shall not exceed $55,000.

(2) The term "payments" as used in this section includes price-support payments, set-aside payments, diversion payments, public access payments, and marketing certificates, but does not include loans or purchases.

(3) If the Secretary determines that the total amount of payments which will be earned by any person under the program in effect for any crop will be reduced under this section, the set-aside acreage for the farm or farms on which such person will be sharing in payments earned under such program shall be reduced to such extent and in such manner as the Secretary determines will be fair and reasonable in relation to the amount of the payment reduction.

(4) The Secretary shall issue regulations defining the term "person" and prescribing such rules as he determines necessary to assure a fair and reasonable application of such limitation: Provided, That the provisions of this Act which limit payments to any person shall not be applicable to lands owned by States, political subdivisions, or agencies thereof, so long as such lands are farmed primarily in the direct furtherance of a public function, as determined by the Secretary.

TITLE II—DAIRY

DAIRY BASE PLANS

SEC. 201. (a) The Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended by striking in subparagraph (B) of subsection 8c(5) all that part of said subparagraph (B) which follows the comma at the end of clause (c) and inserting in lieu thereof the following:

"(d) a further adjustment to encourage seasonal adjustments in the production of milk through equitable apportionment of the total value of the milk purchased by any handler, or by all handlers, among producers on the basis of their marketings of milk during a representative period of time, which need not be limited to one year; (e) a provision providing for the accumulation and disbursement of a fund to encourage seasonal adjustments in the production of milk may be included in an order; and (f) a further adjustment, equitably to apportion the total value of milk purchased by all handlers among producers on the basis of their marketings of milk; which may be adjusted to reflect the utilization of producer milk by all handlers in any use classification or classifications, during a representative period of one to three years, which will be automatically updated each year. In the event a producer holding a base allocated under this clause (f) shall reduce his marketing, such reduction shall not adversely affect his history of production and marketing for the determination of future bases, or future updating of bases, except that an order may provide that, if a producer reduces his marketings below his base allocation in any one or more use classifications designated in the order, the amount of any such reduction shall be taken into account in determining future bases, or future updating of bases. Bases allocated to producers under this clause (f) may be transferable under an order on such terms and conditions, including those which will prevent bases taking on an unreasonable value, as are prescribed in the order by the Secretary of Agriculture. Provisions shall be made in the order for the allocation of bases under this clause (f)—

"(i) for the alleviation of hardship and inequity among producers; and

"(ii) for providing for dairy farmers not delivering milk as producers under the order upon becoming producers under the order who did not produce milk during any part of the representative period, and these new producers shall within ninety days after the first regular delivery of milk at the price for the lowest use classification specified in such order be allocated a base which the Secretary determines proper after considering supply and demand conditions, the development of orderly and efficient marketing conditions and to the respective interests of producers under the order, all other dairy farmers and the consuming public. Producer bases so allocated shall for a period of not more than three years be reduced by not more than 20 per centum; and

"(iii) dairy farmers not delivering milk as producers under the order upon becoming producers under the order by reason of a plant to which they are making deliveries becoming a pool plant under the order, by amendment or otherwise, shall be provided bases with respect to milk delivered under the order based on their past deliveries of milk on the same basis as other producers under the order; and

"(iv) such order may include such additional provisions as the Secretary deems appropriate in regard to the reentry of producers who have previously discontinued their dairy farm enterprise or transferred bases authorized under this clause (f); and

"(v) notwithstanding any other provision of this Act, dairy farmers not delivering milk as producers under the order, upon becoming producers under the order, shall ninety days later be provided with respect to milk delivered under he order, allocations based on their past deliveries of milk during the representative period from the production facilities from which they are delivering milk under the order during the representative period on the same basis as producers under the order on the effective date of order provisions authorized under this clause (f): Provided, that bases shall be allocated only to a producer marketing milk from the production facilities from which he marketed milk during the representative period, except that in no event shall such allocation of base exceed the amount of milk actually delivered under such order.

The assignment of other source milk to various use classes shall be made without regard to whether an order contains provisions authorized under this clause (f). In the case of any producer who during any accounting period delivers a portion of his milk to persons not fully regulated by the order, provision shall be made for reducing the allocation of, or payment to be received by, any such producer under this clause (f) to compensate for any marketings of milk to such other persons for such period or

periods as necessary to insure equitable participation in marketing among all producers. Notwithstanding the provisions of section 8c (12) and the last sentence of section 8c(19) of this Act, order provisions under this clause (f) shall not be effective in any marketing order unless separately approved by producers in a referendum in which each individual producer shall have one vote and may be terminated separately whenever the Secretary makes a determination with respect to such provisions as is provided for the termination of an order in subparagraph 8c(16)(B). Disapproval or termination of such order provisions shall not be considered disapproval of the order or of other terms of the order.

"In the administration of this section 8c(5) after the enactment of the Agricultural Act of 1970, the Secretary shall maintain the same policy with respect to the exemption of producer-handlers from the provisions of marketing orders that was maintained prior to such enactment."

(b) Nothing in subsection (a) of this section 201 shall be construed as invalidating any class I base plan provisions of any marketing order previously issued by the Secretary of Agriculture pursuant to authority contained in the Food and Agriculture Act of 1965 (79 Stat. 1187), but such provisions are expressly ratified, legalized, and confirmed and may be extended through and including December 13, 1971.

(c) It is not intended that existing law be in any way altered, rescinded, or amended with respect to section 8c(5)(G) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and such section 8c(5)(G) is fully reaffirmed.

SUSPENSION OF BUTTERFAT SUPPORT PROGRAM

SEC. 202. Effective only with respect to the period beginning April 1, 1971, and ending March 31, 1974—

(a) The first sentence of section 201 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446), is amended by striking the words "milk, butterfat, and the products of milk and butterfat" and inserting in lieu thereof the words "and milk".

(b) Paragraph (c) of section 201 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446(c)), is amended to read as follows:

"(c) The price of milk shall be supported at such level not in excess of 90 per centum nor less than 75 per centum of the parity price therefor as the Secretary determines necessary in order to assure an adequate supply. Such price support shall be provided through purchases of milk and the products of milk."

TRANSFER OF DAIRY PRODUCTS TO THE MILITARY AND TO VETERANS HOSPITALS

SEC. 203. Section 202 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446a), is amended by changing "December 31, 1970" to read "December 31, 1973" both places it appears therein.

DAIRY INDEMNITY PROGRAM

SEC. 204. (a) Section 3 of the Act of August 13, 1968 (Public Law 90-484; 82 Stat. 750), is amended by striking out the word "June 30, 1970.", and inserting in lieu thereof the word "June 30, 1973.".

(b) The first sentence of section 1 of said Act is amended by inserting "and manufacturers of dairy products" after "dairy farmers", and by inserting "or dairy products" after "their milk", and the second sentence is revised to read: "Any indemnity payment to any farmer shall continue until he has been reinstated and is again allowed to dispose of his milk on commercial markets.".

TITLE III—WOOL

SEC. 301. The National Wool Act of 1954, as amended, is amended as follows:

(1) Designate the first two sentences of section 703 as subsection "(a)", and, in the second sentence, delete "1970" and substitute "1973".

(2) In the third sentence of section 703, delete the portion beginning with "The support price for shorn wool shall be" and ending with "Provided further, That the" and substitute "The", designate the third sentence as subsection "(b)", change the period at the end thereof to a colon and add the following: *Provided*, That for the three marketing years beginning January 1, 1971, and ending December 31, 1973, the support price for shorn wool shall be 72 cents per pound, grease basis."

(3) Designate the fourth and fifth sentences of section 703 as subsection "(c)", change the period at the end of the fifth sentence to a colon and add the following: "*Provided*, That for the three marketing years beginning January 1, 1971, and ending December 31, 1973, the support price for mohair shall be 80.2 cents per pound, grease basis.".

(4) Designate the sixth sentence of section 703 as subsection "(d)".

(5) Designate the last sentence of section 703 as subsection "(e)".

TITLE IV—WHEAT

SEC. 400. Subtitle A of this title shall be effective for the 1971 crop of wheat. The Secretary shall conduct a referendum, by secret ballot, of farmers to determine whether for the 1972 and 1973 crops of wheat they favor the program provided for by subtitle A or the program provided for by subtitle B. Any producer who has a farm acreage allotment shall be eligible to vote in such referendum. The Secretary shall proclaim the results of such referendum within thirty days after the date of such referendum and if the Secretary determines that the program provided for by subtitle B is favored by

(i) a majority of the producers voting in such referendum, and

(ii) the producers of more than 50 per centum of the wheat produced by producers voting in the referendum during the most recent calendar year for which production records are available.

subtitle B shall be effective for the 1972 and 1973 crops of wheat. Otherwise subtitle A shall be effective for the 1972 and 1973 crops.

Subtitle A—Program Similar to 1970 Program

SEC. 401. (a) The Food and Agriculture Act of 1965, as amended, is amended—

(1) by deleting "through 1970 crops" wherever it appears in section 506 and substituting "through 1973 crops";

(2) by deleting "years 1966 through 1970" wherever it appears in sections 501 and 502 and substituting "years 1966 through 1973";

(3) by deleting "in the calendar years 1964 through 1970" in section 501 and substituting "in the calendar years 1964 through 1973";

(4) by deleting "through 1970" in section 505 and substituting "through 1973";

(5) by deleting "years 1967 through 1970" and substituting "years 1967 through 1973" in section 506;

(6) by deleting "through the 1970" and substituting "through the 1973" in section 516.

(b) Section 107(1)(b) of the Agricultural Act of 1949, as effective through the 1973 crop, is amended by inserting after "not in excess of the parity price therefor" the following: "nor less than $1.25 per bushel".

(c) Price support loans with respect to the 1971 through 1973 crops of wheat shall be made available on wheat stored on the farm where produced, and price support loans on wheat of such crops and prior crops so stored shall be renewed to the maximum extent practicable consistent with the effective and efficient conduct of the price support programs for wheat.

(d) The Secretary shall advance to producers, within sixty days following signup for the 1971 wheat program, an amount equal to not less than 50 per centum of

(i) the Secretary's estimate of the face value of certificates to be issued under section 379c(a) of the Agricultural Adjustment Act of 1938 with respect to the 1971 crop of wheat (to be repaid through the withholding of certificates for such crop having a face value equal to such advance), and

(ii) the payments to become due under section 339 of such Act with respect to such wheat.

Subtitle B—Set-Aside Program

SEC. 402. Effective only with respect to the 1972 and 1973 crops of wheat and only if this subtitle is effective with respect to such crops, section 107 of the Agricultural Act of 1949, as amended, is further amended to read as follows:

"SEC. 107. Notwithstanding any other provision of law—

"(a) Loans and purchases on each crop of wheat shall be made available at such level, not in excess of the parity price therefor nor less than $1.25 per bushel, as the Secretary determines appropriate, taking into consideration competitive world prices of wheat, the feeding value of wheat in relation to feed grains, and the level at which price support is made available for feed grains.

"(b) If a set-aside program is in effect for any crop of wheat under section 379b(c) of the Agricultural Adjustment Act of 1938, as amended, certificates, loans, and purchases shall be made available on such crop only to producers who comply with the provisions of such program.

"(c) Price support loans with respect to the 1972 and 1973 crops of wheat shall be made available on wheat stored on the farm where produced, and price support loans on wheat of such crops and prior crops so stored shall be renewed to the maximum extent practicable consistent with the effective and efficient conduct of the price support programs for wheat."

SEC. 403. Effective only with respect to the 1972 and 1973 crops of wheat and only if this subtitle is effective with respect to such crops, sections 379b and 379c of the Agricultural Adjustment Act of 1938, as amended, are further amended to read as follows:

"SEC. 379b. (a) The Secretary shall provide for the issuance of wheat marketing certificates for the purpose of enabling producers on any farm for which certificates are issued to receive, in addition to the other proceeds from the sale of wheat, an amount equal to the face value of such certificates. The face value per bushel of domestic marketing certificates for the 1972 and 1973 crops of wheat shall be in such amount as, together with the national average market price received by farmers during the first five months of the marketing year for such crop, the Secretary determines will be equal to the parity price for wheat as of the beginning of the marketing year for the crop.

"(b) The domestic wheat marketing certificates shall be made available for a farm on the number of bushels determined by multiplying the domestic allotment for the farm for the crop to which such certificates relate by the projected yield established for the farm with such adjustments as the Secretary determines necessary to provide a fair and equitable yield.

"(c)(1) The Secretary shall provide for a set-aside of cropland if he determines that the total supply of wheat or other commodities will, in the absence of such a set-aside, likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. If a set-aside of cropland is in effect under this subsection (c), then as a condition of eligibility

for loans, purchases, and certificates on wheat, the producers on a farm must set aside and devote to approved conservation uses an average of cropland equal to (i) such percentage of the domestic wheat allotment for the farm as may be specified by the Secretary (not to exceed 75 per centume of such allotment), plus (ii) the acreage of cropland on the farm devoted in preceding years to soil-conserving uses, as determined by the Secretary. The Secretary is authorized for the 1972 and 1973 crops to limit the acreage planted to wheat on the farm to such percentage of the domestic wheat allotment as he determines necessary to provide an orderly transition to the program provided for under this section. The Secretary shall permit producers to plant and graze on the set-aside acreage sweet sorghum, and the Secretary may permit, subject to such terms and conditions as he may prescribe, all or any of the set-aside acreage to be devoted to grazing or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, platago ovato, flaxseed, or other commodity, if he determines that such production is needed to provide an adequate supply, is not likely to increase the cost of the price support program, and will not adversely affect farm income.

"(2) To assist in adjusting the acreage of commodities to desirable goals, the Secretary may make land diversion payments, in addition to the certificates authorized in subsection (b), available to producers on a farm who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in addition to that required to be so devoted under subsection (c)(1). The land diversion payments for a farm shall be at such rate or rates as the Secretary determines to be fair and reasonable taking into consideration the diversion undertaken by the producers and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to adversely affect the economy of the county or local community. The Secretary shall make not less than 50 per centum of any payments under this subsection to producers within sixty days following signup for the program.

"(3) The wheat program formulated under this section shall require the producer to take such measures as the Secretary may deem appropriate to protect the set-aside acreage and the additional diverted acreage from erosion, insects, weeds, and rodents. Such acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies. The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm as the Secretary may prescribe by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

"(4) If the operator of the farm desires to participate in the program formulated under this subsection (c), he shall file his agreement to do so no later than such date as the Secretary may prescribe. Loans and purchases on wheat, marketing certificates, and payments under this section shall be made available to producers on such farm only if the producers set aside and divert an acreage on the farm equal to the number of acres which the operator agrees to set aside and divert, and the agreement shall so provide. The Secretary may, by mutual agreement with the producer, terminate or modify any such agreement entered into pursuant to this subsection (c)(4) if he determines such action necessary because of an emergency created by drought or other disaster, or in order to prevent or alleviate a shortage in the supply of agricultural commodities.

"(d) The Secretary shall provide for the sharing of certificates issued and of payments made under this section for any farm among producers on the farm on a fair and equitable basis.

"(e) In any case in which the failure of a producer to comply fully with the terms and conditions of the program formulated under this section preclude the issuance of certificates and the making of loans, purchases, and payments, the Secretary may, nevertheless, issue such certificates and make such loans, purchases, and payments in such amounts as he determine to be equitable in relation to the seriousness of the default.

"(f) The Secretary shall advance to producers, within sixty days following signup for the program, an amount equal to 75 per centum of the Secretary's estimate of the face value of certificates to be issued with respect to such crop and such advance shall be repaid through the withholding of certificates for such crop having a face value equal to such advance. If the face value of the certificates as finally determined is less than the advance, the difference shall not be required to be repaid.

"(g) The Secretary is authorized to issue such regulations as he determines necessary to carry out the provisions of this title.

"(h) Marketing certificates issued under this Act and transfers thereof shall be represented by such documents, marketing cards, records, accounts, certifications, or other statements or forms as the Secretary may prescribe.

"(i) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"SEC. 379c. (a)(1) The farm domestic allotment for each crop of wheat shall be determined as provided in this section. The Secretary shall proclaim a national domestic allotment for the 1972 and 1973 crops of wheat not later than April 15 of each calendar year for the crop harvested in the next succeeding calendar year. The national domestic allotment for any crop of wheat shall be the number of acres which the Secretary determines on the basis of the estimated national yield will result in marketing certificates being issued to producers participating in the program in an amount equal to the amount of wheat which he estimates will be used for food products for consumption in the United States during the marketing year for the crop. The national domestic allotment for any crop of wheat shall be apportioned by the Secretary among the States on the basis of the apportionment to each State of the national domestic allotment for the preceding crop (for the 1972 crop, on the basis of the apportionment of the national acreage allotment for the 1971 crop), adjusted to the extent deemed necessary by the Secretary to establish a fair and equitable apportionment base for each State, taking into consideration established crop rotation practices, the estimated decrease in farm domestic allotments, and other relevant factors.

"(2) The State domestic acreage allotment for wheat, less a reserve of not to exceed 1 per centum thereof for apportionment as provided in this subsection, shall be apportioned by the Secretary among the counties in the State, on the basis of the apportionment to each such county of the domestic wheat allotment for the preceding crop (for the 1972 crop, on the basis of the apportionment of the wheat acreage allotment for the 1971 crop), adjusted to the extent deemed necessary by the Secretary in order to establish a fair and equitable apportionment base for each county taking into consideration established crop-rotation practices, the estimated decrease in farm domestic allotments, and other relevant factors.

"(3) The farm domestic allotment for each crop of wheat shall be determined by apportioning the county domestic wheat allotment among farms in the county which had a domestic wheat allotment for the preceding crop (for the 1972 crop, among farms in the county which had a wheat acreage allotment for the 1971 crop), on the basis of such allotment, adjusted to reflect established crop-rotation practices and such other factors as the Secretary determines should be considered for the purpose of establishing a fair and equitable allotment. Notwithstanding any other provision of this subsection, the farm domestic allotment shall be adjusted downward to the extent required by subsection (b).

"(4) Not to exceed 1 per centum of the State domestic allotment for any crop may be apportioned to farms for which there was no domestic allotment for the preceding crop (for the 1972 crop, to farms which had no acreage allotment for the 1971 crop) on the basis of the following factors: suitability of the land for production of wheat, the past experience of the farm operator in the production of wheat, the extent to which the farm operator is dependent on income from farming for his livelihood, the production of wheat on other farms owned, operated, or controlled by the farm operator, and such other factors as the Secretary determines should be considered for the purpose of establishing fair and equitable farm domestic allotments. No part of such reserve shall be apportioned to a farm to reflect new cropland brought into production after the date of enactment of the set-aside program for wheat.

"(5) The planting on a farm of wheat of any crop for which no farm domestic allotment was established shall not make the farm eligible for a domestic allotment under subsection (a)(3) nor shall such farm by reason of such planting be considered ineligible for an allotment under subsection (a)(4).

"(6) The Secretary may make such adjustments in acreage under this Act as he determines necessary to correct for abnormal factors affecting production, and to give due consideration tillable acreage, crop rotation practices, types of soil, soil and water conservation measures, and topography, and in addition, in the case of conserving use acreages to such other factors as he deems necessary in order to establish a fair and equitable conserving use acreage for the farm.

"(b)(1) If for any crop the total acreage of wheat planted on a farm is less than the farm domestic allotment, the farm domestic allotment used as a base for the succeeding crop shall be reduced by the percentage by which such planted acreage was less than such farm domestic allotment, but such reduction shall not exceed 20 per centum of the farm domestic allotment for the preceeding crop. If no acreage has been planted to wheat for three consecutive crop years on any farm which has a domestic allotment, such farm shall lose its domestic allotment. Producers on any farm who have planted to wheat not less than 90 per centum of the domestic allotment for the farm shall be considered to have planted an acreage equal to 100 per centum of such allotment. An acreage on the farm which the Secretary determines was not planted to such wheat because of drought, flood, or other natural disaster or a quarantine imposed by the county, State, or Federal Government shall be considered to be an acreage of wheat planted for harvest. For the purpose of this subsection, the Secretary may permit producers of wheat to have acreage devoted to soybeans or to feed grains for which there is a set-aside program in effect considered as devoted to the production of wheat to such extent and subject to such terms and conditions as the Secretary determines will not impair the effective operation of the program.

"(2) Notwithstanding the provisions of subsection (b) (1), no farm domestic allotment shall be reduced or lost through failure to plant the farm domestic allotment, if the producer elects not to receive certificates for the portion of the farm domestic allotment not planted, to which he would otherwise be entitled under the provisions of this Act."

Subtitle C—General

SEC. 404. Effective only with respect to the marketing years beginning July 1, 1971, July 1, 1972, and July 1, 1973, the Agricultural Adjustment Act of 1938, as amended is further amended as follows:

(1) by deleting in the first sentence of section 379d(b) the words "During any marketing year for which a wheat marketing allocation program is in effect," and substituting "During each marketing year,";

(2) by inserting a comma in lieu of the period at the end of the first sentence of section 379d(b) and adding the following: "and (iii) all persons processing or using any flour second clears, gluten or other products or byproducts of wheat for which domestic marketing certificates have not been acquired in the commercial production of food products for human consumption shall, prior to the marketing or the removing of such product for sale or consumption, acquire domestic wheat marketing certificates equivalent to the number of bushels of wheat required to produce or used in the production of the flour second clears, gluten or other product or byproduct used in the production of, or ingredient in, such food product."

(3) by adding at the end of section 379d (b) the following:

"Notwithstanding the foregoing, the Secretary is authorized, if subtitle B of title IV of the Agricultural Act of 1970 is effective with respect to the 1972 and 1973 crops of wheat, to temporarily suspend the requirement for export marketing certificates for the period beginning July 1, 1972, and ending June 30, 1974.

(4) by adding at the end of section 379e the following:

"Notwithstanding any other provision of this Act, if subtitle B of the title IV of the Agricultural Act of 1970 is effective with respect to the 1972 and 1973 crops of wheat, Commodity Credit Corporation shall sell marketing certificates for the marketing years for the 1972 and 1973 crops of wheat to persons engaged in the processing of food products but in determining the cost to processors the face value shall be 75 cents per bushel."

SEC. 405. Effective only with respect to (i) the 1972 and 1973 crops of wheat and only to such crops if subtitle B of this title is effective with respect to such crops and (ii) the 1971, 1972, and 1973 crops of feed grains, the Agricultural Adjustment Act of 1938, as amended, is further amended as follows:

(1) sections 331 through 339 shall not be applicable to the 1972 and 1973 crops of wheat;

(2) by adding in section 378 a new subsection (e) to read as follows:

"(e) The term 'allotment' as used in this section includes the domestic allotment for wheat."

(3) by adding at the end of section 379 the following sentence: "The term 'acreage allotments' as used in this section includes the domestic allotment for wheat." and

(4) by adding in the first sentence of section 385 after the words "parity payment," the words "payments (including certificates) under the wheat and feed grain set-aside programs,".

SEC. 406. Effective only with respect to the 1972 and 1973 crops of wheat, and only if subtitle B of this title is effective with respect to such crops, section 706, Public Law 89-321 (79 Stat. 1210), is amended as follows:

(1) by adding in the first sentence after the words "the Soil Conservation and Domestic Allotment Act, as amended," the words "or the Agricultural Act of 1949, as amended." and

(2) by adding at the end thereof the following sentence: "The term 'acreage allotments' as used in this section includes the domestic allotment for wheat."

SEC. 407. Public Law 74, Seventy-seventh Congress (68 Stat. 905), shall not be applicable to the crops of wheat planted for harvest in the calendar years 1972 and 1973.

SEC. 408. If subtitle B of this title is effective with respect to the 1972 and 1973 crops of wheat, the amount of any wheat stored by a producer under section 379c(b) of the Agricultural Adjustment Act of 1938, as amended, prior to the 1972 crop of wheat may be reduced by the amount by which the actual total production of the 1972 or 1973 crop on the farm is less than the number of bushels determined by multiplying three times the domestic allotment for such crop on the farm by the yield established for the farm for the purpose of issuance of domestic marketing certificates. The provisions of such section shall continue to apply to the wheat so stored to the extent not inconsistent therewith.

SEC. 409. Effective only with respect to the 1971, 1972, and 1973 crops of feed grains, and if subtitle B of this title is effective with respect to such crops the 1972 and 1973 crops of wheat the Agricultural Act of 1949 as amended is further amended by adding in section 408 a new subsection (k) as follows:

"REFERENCES TO TERMS MADE APPLICABLE TO WHEAT AND FEED GRAINS

"(k) References made in sections 402, 403, 406, and 416 to the terms 'support price,' 'level of support,' and 'level of price support' shall be considered to apply as well to the level of loans and purchases for wheat and feed grains under this Act; and references made to the terms 'price support,' 'price support operations,' and 'price support program' in such sections and in section 401(a) shall be considered as applying as well to the loan and purchase operations for wheat and feed grains under this Act."

SEC. 410. Section 407 of the Agricultural Act of 1949, as amended, is further amended effective only with respect to the marketing years for (i) the 1971, 1972, and 1973 crops of feed grains, and (ii) if subtitle B of this title is effective with respect to such crops, the 1972 and 1973 crops of wheat as follows:

(1) by deleting in the third sentence the language following the third colon and substituting the following: *"Provided,* That the Corporation shall not sell any of its stocks of wheat, corn, grain sorghum, barley, oats, and rye, respectively, at less than 115 per centum of the current national average loan rate for the commodity, adjusted for such current market differentials reflecting grade, quality, location, and other value factors as the Secretary determines appropriate, plus reasonable carrying charges."

(2) by deleting in the fifth sentence "current basic county support rate including the value of any applicable price-support payment in kind (or a comparable price if there is no current basic county support rate)" and substituting "current basic county loan rate (or a comparable price if there is no current basic county loan rate)", and

(3) by deleting in the seventh sentence "but in no event shall the purchase price exceed the then current support price for such commodities." and substituting "or unduly affecting market prices, but in no event shall the purchase price exceed the Corporation's minimum sales price for such commodities for unrestricted use."

SEC. 411. In the event that no new legislation is enacted in advance of the planting season for the 1974 crop of fall seeded wheat, and the Secretary determines that it will best accomplish the purposes of section 379a of the Agricultural Adjustment Act of 1938, as amended, and is otherwise in the interest of wheat producers and the United States, he is authorized to carry out a program for the 1974 crop of wheat on the same basis as the program for the 1973 crop, in which event references made in titles I and IV of this Act to the 1973 crop of wheat and to the marketing year for such crop beginning July 1, 1973, shall be considered as applying as well to the 1974 crop of wheat and to the marketing year beginning July 1, 1974, and the period beginning July 1, 1971, and ending June 30, 1974, referred to in section 403 shall be considered as extended to June 30, 1975.

TITLE V—FEED GRAINS

SEC. 501. Effective only with respect to the 1971, 1972, and 1973 crops of feed grains, section 105 of the Agricultural Act of 1949, as amended, is further amended to read as follows:

"SEC. 105. Notwithstanding any other provision of law—

"(a) (1) The Secretary shall make available to producers loans and purchases on each crop of corn at such level, not less than $1.00 per bushel nor in excess of 90 per centum of the parity price therefor, as the Secretary determines will encourage the exportation of feed grains and not result in excessive total stocks of feed grains in the United States.

"(2) The Secretary shall make available to producers loans and purchases on each crop of barley, oats, and rye, respectively, at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value of such commodity in relation to corn and the other factors specified in section 401(b), and on each crop of grain sorghums at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value and average transportation costs to market of grain sorghums in relation to corn.

"(3) Price support loans with respect to the 1971 through 1973 crops of feed grains shall be made available on grains stored on the farm where produced, and price support loans on grains of such crops and prior crops so stored shall be renewed to the maximum extent practicable consistent with the effective and efficient conduct of the price support programs for such grains.

"(b) (1) In addition, the Secretary shall make available to producers payments for each crop of corn, grain sorghums, and barley. The payment rate for corn shall be at such rate as, together with the national average market price received by farmers for corn during the first five months of the marketing year for the crop, the Secretary determines will not be less than $1.35 per bushel. The payment rate for grain sorghums and barley, shall be such rate as the Secretary determines fair and reasonable in relation to the rate at which payments are made available for corn.

"(2) The payments with respect to a farm shall be made available on 50 per centum of the feed grain base for the farm and shall be computed on the basis of the yield established for the farm for the preceding crop with such adjustments as the Secretary determines necessary to provide a fair and equitable yield.

"(3) If for any crop the total acreage on a farm planted to feed grains included in the program formulated under this subsection is less than the portion of the feed grain base for the farm on which payments are available under this subsection, the feed grain base for the farm for the succeeding crops shall be reduced by the percentage by which the planted acreage is less than such portion of the feed grain base for the farm, but such reduction shall not exceed 20 per

centum of the feed grain base. If no acreage has been planted to such feed grains for three consecutive crop years on any farm which has a feed grain base, such farm shall lose its feed grain base: *Provided*, That no farm feed grain base shall be reduced or lost through failure to plant, if the producer elects not to receive payment for such portion of the farm feed grain base not planted, to which he would otherwise be entitled under the provisions of this Act. Any such acres eliminated from any farm shall be assigned to a national pool for the adjustment of feed grain bases as provided for in subsection (e)(2). Producers on any farm who have planted to such feed grains not less than 90 per centum of the portion of the feed grain base on which payments are made available shall be considered to have planted an acreage equal to 100 per centum of such portion. An acreage on the farm which the Secretary determines was not planted to such feed grains because of drought, flood, or other natural disaster or condition beyond the control of the producer shall be considered to be an acreage of feed grains planted for harvest. For the purpose of this paragraph, the Secretary may permit producers of feed grains to have acreage devoted to soybeans or to wheat considered as devoted to the production of such feed grains to such extent and subject to such terms and conditions as the Secretary determines will not impair the effective operation of the feed grain or soybean program.

"(c)(1) The Secretary shall provide for a set-aside of cropland if he determines that the total supply of feed grains or other commodities will, in the absence of such a set-aside, likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices of feed grains and to meet a national emergency. If a set-aside of cropland is in effect under this subsection (c), then as a condition of eligibility for loans, purchases, and payments on corn, grain sorghums, and barley, respectively, the producers on a farm must set aside and devote to approved conservation uses an acreage of cropland equal to (i) such percentage of the feed grain base for the farm as may be specified by the Secretary, plus (ii) the acreage of cropland on the farm devoted in preceding years to soil-conserving uses, as determined by the Secretary. The Secretary is authorized for the 1971, 1972, and 1973 crops to limit the acreage planted to feed grains on the farm to such percentage of the feed grain base as he determines necessary to provide an orderly transition to the program provided for under this section. The Secretary shall permit producers to plant and graze on the set-aside acreage sweet sorghum, and the Secretary may permit, subject to such terms and conditions as he may prescribe, all or any of the set-aside acreage to be devoted to grazing or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, or other commodity, if he determines that such production is needed to provide an adequate supply, is not likely to increase the cost of the price-support program, and will not adversely affect farm income. Notwithstanding any other provision of this subsection, the Secretary may provide that no producer of malting barley shall be required as a condition of eligibility for a loan or purchase to participate in the set-aside program for feed grains if such producer has previously produced a malting variety of barley and plants barley only of an acceptable malting variety for harvest.

"(2) To assist in adjusting the acreage of commodities to desirable goals, the Secretary may make land diversion payments, in addition to the payments authorized in subsection (b), to producers on a farm who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in addition to that required to be so devoted under subsection (c)(1). The land diversion payments for a farm shall be at such rate or rates as the Secretary determines to be fair and reasonable taking into consideration the diversion undertaken by the producers and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to adversely affect the economy of the county or local community.

"(3) The feed grain program formulated under this section shall require the producer to take such measures as the Secretary may deem appropriate to protect the set-aside acreage and the additional diverted acreage from erosion, insects, weeds, and rodents. Such acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies. The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm as the Secretary may prescribe by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

"(4) If the operator of the farm desires to participate in the program formulated under this section, he shall file his agreement to do so no later than such date as the Secretary may prescribe. Loans and purchases on feed grains included in the set-aside program and payments under this section shall be made available to producers on such farm only if the producers set aside and divert an acreage on the farm equal to the number of acres which the operator agrees to set aside and divert, and the agreement shall so provide. The Secretary may, by mutual agreement with the producer, terminate or modify any such agreement entered into pursuant to this subsection (c)(4) if he determines such action necessary because of an emergency created by drought or other disaster, or in order to prevent or alleviate a shortage in the supply of agricultural commodities.

"(d) The Secretary shall provide for the sharing of payments under this section among producers on the farm on a fair and equitable basis.

"(e)(1) For the purpose of this section, the feed grain base shall be the average acreage devoted on the farm to corn, grain sorghums, and barley in 1959 and 1960.

"(2) The Secretary may make such adjustments in acreage under this section as he determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, and topography, and in addition, in the case of conserving use acreages to such other factors as he deems necessary in order to establish a fair and equitable conserving use acreage for the farm. The Secretary shall, upon the request of a majority of the State committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, adjust the feed grain bases for farms within any State or county in order to establish fair and equitable feed grain bases for farms within such State or county: *Provided*, That except for acreage provided for in subsection (b)(3), adjustments made pursuant to this sentence shall not increase the total State feed grain acreage. The Secretary is authorized to draw upon the acreage pool provided for in subsection (b)(3) in making such adjustments. Notwithstanding any other provision of this subsection, the feed grain base for the farm shall be adjusted downward to the extent required by subsection (b)(3).

"(3) Notwithstanding any other provision of this subsection not to exceed 1 per centum of the estimated total feed grain bases for all farms in a State for any year may be reserved from the feed grain bases established for farms in the State for apportionment to farms on which there were no acreages devoted to feed grains in the crop years 1959 and 1960 on the basis of the following factors: suitability of the land for the production of feed grains, the extent to which the farm operator is dependent on income from farming for his livelihood, the production of feed grains on other farms owned, operated, or controlled by the farm operator, and such other factors as the Secretary determines should be considered for the purpose of establishing fair and equitable feed grain bases. No part of such reserve shall be allocated to a farm to reflect new cropland brought into production after the date of enactment of the set-aside program for feed grains. An acreage equal to the feed grain base so established for each farm shall be deemed to have been devoted to feed grains on the farm in each of the crop years 1959 and 1960 for purposes of this section.

"(f) In any case in which the failure of a producer to comply fully with the terms and conditions of the program formulated under this section precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases, and payments in such amounts as he determines to be equitable in relation to the seriousness of the default.

"(g) The Secretary shall make a preliminary payment to producers, within sixty days following signup for the program, at a rate equal to 32 cents per bushel of corn, with comparable rates for grain sorghum and barley, and the payment so made shall not be reduced if the rate as finally determined is less than the rate of the preliminary payment.

"(h) The Secretary is authorized to issue such regulations as he determines necessary to carry out the provisions of this section.

"(i) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation."

TITLE VI—COTTON

SEC. 601. The Agricultural Adjustment Act of 1938, as amended, is amended effective beginning with the 1971 crop of upland cotton as follows:

(1) Section 342 is amended by adding at the end thereof the following: "Notwithstanding any other provision of this Act, for each of the 1971 through 1973 crops (1) the national marketing quota for upland cotton shall be not less than the number of bales required to provide a national acreage allotment for such crop of fourteen million five hundred thousand acres; and (2) each farm acreage allotment (computed without regard to clause (3)) shall bear the same relationship to its farm base acreage allotment (as finally effective after adjustment for release and reapportionment, transfers, and all other factors) as the national acreage allotment bears to the national base acreage allotment and (3) if the Secretary determines such action to be necessary to provide an adequate supply of cotton, the Secretary may (i) increase each farm cotton acreage allotment to permit the planting of cotton on all or any part of the acreage required to be set aside pursuant to section 103(e)(4) of the Agricultural Act of 1949, and (ii) apportion additional acreage not exceeding an acreage equal to 25 per centum of the national acreage allotment to farm operators who apply for such additional acreage and give such assurance as the Secretary deems appropriate that they will make all appropriate efforts to produce and harvest cotton on acreages equal to their increased allotments. Such additional acreage shall be apportioned

in such manner as the Secretary deems appropriate to assure an adequate supply, giving special consideration to farms having cotton acreage allotments, the amounts of such allotments, and the production history of such farms. Producers on any farm receiving increased allotments under clause (3) shall be entitled to price support loans and purchases only on an amount of cotton determined by multiplying the yield used in computing payments for such farm by the acreage allotment computed without regard to clause (3)."

(2) A new section 342a is added to read as follows:—

"NATIONAL COTTON PRODUCTION GOAL

"SEC. 342a. The Secretary shall, not later than November 15, of the calendar years 1970, 1971, and 1972, proclaim a national cotton production goal for the 1971 and subsequent crops of upland cotton. The national cotton production goal for any year shall be the number of bales of upland cotton (standard bales of four hundred and eighty pounds net weight) equal to the estimated domestic consumption and estimated exports for the marketing year beginning in the calendar year for which such national cotton production goal is proclaimed, plus an allowance of not less than 5 per centum of such estimated consumption and estimated exports for market expansion except that the Secretary shall make such adjustments in the amount of such production goal as he determines necessary after taking into consideration the estimated stocks of upland cotton in the United States (including the qualities of such stocks) and stocks in foreign countries, which would be available for the marketing year, to assure the maintenance of adequate but not excessive carryover stocks in the United States (not less than 50 per centum of the average offtake for the three preceding marketing years) to provide a continuous and stable supply of the different qualities of upland cotton needed in the United States and in foreign cotton consuming countries and, in addition, to provide an adequate reserve for purposes of national security."

(3) Effective only with respect to the 1971, 1972, and 1973 crops, section 344a is amended as follows:

(A) Subsection (a) is amended (i) by striking "cotton acreage allotment" and inserting "farm base acreage allotment for cotton", and (ii) by striking "1970" and inserting "1973".

(B) Subsection (b) is amended by striking clause (ii) and by inserting before the period at the end of the next to last sentence the following: "; and (viii) no allotment may be sold or leased except to a person who furnishes such county committee with satisfactory evidence that he is dependent upon the production of cotton for a livelihood and will make all appropriate efforts to produce and harvest cotton on an acreage equal to his full farm base acreage allotment as constituted after such transfer. Any temporary transfer of farm acreage allotment by lease or by owner approved by the county committee to take effect during the period 1966 through 1970 for a term extending beyond 1970 shall be approved pro rata on the basis of the farm base acreage allotment for the farm from which the transfer is made, but no temporary transfer by lease entered into after March 15, 1970, shall be approved for 1974 and subsequent crops".

(4) Section 350 of the Act is amended to read as follows:

"BASE ACREAGE ALLOTMENTS

"SEC. 350. (a) The Secretary shall establish for each of the 1971, 1972, and 1973 crops of upland cotton a national base acreage allotment. Such national base acreage allotment shall be announced not later than November 15 of the calendar year preceding the year for which the national base acreage allotment is to be effective. The national base acreage allotment for any crop of cotton shall be the number of acres which the Secretary determines on the basis of the expected national yield will produce an amount of cotton equal to the estimated domestic consumption of cotton (standard bales of four hundred and eighty pounds net weight) for the marketing year beginning in the year in which the crop is to be produced, plus not to exceed 25 per centum thereof if the Secretary, taking into consideration other actions he may take under the Agricultural Act of 1970, determines that such additional amount is necessary to provide for a production which will equal the national cotton production goal, except that such national base acreage allotment shall be not less than fourteen million five hundred thousand acres less a percentage thereof equal to the percentage of the farm acreage allotment used in determining set-aside requirements under section 103(e)(4) of the Agricultural Act of 1949, as amended.

"(b) The national base acreage allotment for each crop of upland cotton shall be apportioned by the Secretary to the States on the basis of the acreage planted (including acreage regarded as having been planted) to upland cotton within the farm acreage allotment or the farm base acreage allotment if a farm base acreage allotment was in effect, during the five calendar years immediately preceding the calendar year in which the national cotton production goal is proclaimed, with adjustment for abnormal weather conditions or other natural disaster during such period.

"(c) The State base acreage allotment for each crop of upland cotton shall be apportioned to counties on the same basis as to years and conditions as is applicable to the State under subsection (b): Provided, That the State committee may reserve not to exceed 2 per centum of its State acreage allotment which shall be used to make adjustments in county allotments for trends in acreage, for counties adversely affected by abnormal conditions affecting plantings, or for small or new farms, or to correct inequities in farm allotments to prevent hardships.

"(d) The Secretary shall adjust the apportionment base for each county as may be necessary because of transfers of allotments across county lines.

"(e)(1) The county base acreage allotment for the 1971 crop shall be apportioned to old cotton farms in the county on the basis of the domestic acreage allotment established for the farm for the 1970 crop. For the 1972 and each subsequent crop of upland cotton the county base acreage allotment shall be apportioned to old cotton farms in the county on the basis of the farm base acreage allotment established for such farm for the preceding year. The county commitee may reserve not in excess of 10 per centum of the county allotment which, in addition to the acreage made available under the proviso in subsection (c), shall be used for (A) establishing allotments for farms on which cotton was not planted (or regarded as planted) during any of the three calendar years immediately preceding the year for which the allotment is made, on the basis of land, labor, and equipment available for the production of cotton, crop-rotation practices, and the soil and other physical facilities affecting the production of cotton; and (B) making adjustments of the farm allotments established under this paragraph so as to establish allotments which are fair and reasonable in relation to the factors set forth in this paragraph and abnormal conditions of production on such farms, or in making adjustments in farm allotments to correct inequities and to prevent hardships. No part of such reserve shall be apportioned to a farm to reflect new cropland brought into production after the date of enactment of the Agricultural Act of 1970.

"(2) If for any crop the total acreage of cotton planted on a farm is less than the farm base acreage allotment, the farm base acreage allotment used as a base for the succeeding crop shall be reduced by the percentage by which such planted acreage was less than such farm base acreage allotment, but such reduction shall not exceed 20 per centum of the farm base acreage allotment for the preceding crop. If not less than 90 per centum of the base acreage allotment for the farm is planted to cotton, the farm shall be considered to have an acreage planted to cotton equal to 100 per centum of such allotment. For purposes of this paragraph, an acreage on the farm which the Secretary determines was not planted to cotton because of drought, flood, other natural disaster, payment limitation, or a quarantine imposed by the county, State or Federal Government shall be considered to be an acreage planted to cotton. For the purpose of this paragraph, the Secretary shall, in the event producers of cotton have acreage devoted to soybeans, wheat, or feed grains considered as devoted to the production of cotton to such extent and subject to such terms and conditions as the Secretary determines will not impair the effective operation of the cotton or soybean program.

"(3) If no acreage is planted to cotton for any three consecutive crop years on any farm which had a farm base acreage allotment for such years, such farm shall lose its base acreage allotment.

"(f) Effective for the 1971, 1972, and 1973 crops, any part of any farm base acreage allotment on which upland cotton will not be planted and which is voluntarily surrendered to the county committee shall be deducted from the farm base acreage allotment for such farm and may be reapportioned by the county committee to other farms in the same county receiving farm base acreage allotments in amounts determined by the county committee to be fair and reasonable on the basis of past acreage of upland cotton, land, labor, equipment available for the production of upland cotton, crop rotation practices, and soil and other physical facilities affecting the production of upland cotton. If all of the acreage voluntarily surrendered is not needed in the county, the county committee may surrender the excess acreage to the State committee to be used to make adjustments in farm base acreage allotments for other farms in the State adversely affected by abnormal conditions affecting plantings or to correct inequities or to prevent hardship. Any farm base acreage allotment released under this provision shall be regarded for the purpose of establishing future farm base acreage allotments as having been planted on the farm and in the county where the release was made rather than on the farm and in the county to which the allotment was transferred: *Provided*, That, notwithstanding any other provision of law, any part of any farm base acreage allotment for any crop year may be permanently released in writing to the county committee by the owner and operator of the farm and reapportioned as provided herein. Acreage released under this subsection shall be credited to the State in determining future allotments.

"(g) Any farm receiving any base acreage allotment through release and reapportionment or sale, lease, or transfer shall, as a condition to the right to receive such allotment, comply with the set-aside requirements of section 103(e)(4) of the Agricultural Act of 1949, as amended, applicable to such acreage as determined by the Secretary.

"(h) Notwithstanding any other provision of this Act, if the Secretary determines for any year that because of drought, flood, other natural disaster, or a condition beyond the control of the producer a portion of the farm base acreage allotment in a county can-

not be timely planted or replanted in such year, he may authorize for such year the transfer of all or a part of such cotton acreage for any farm in the county so affected to another farm in the county or in an adjoining county on which one or more of the producers on the farm from which the transfer is to be made will be engaged in the production of upland cotton and will share in the proceeds thereof, in accordance with such regulations as the Secretary may prescribe. Any farm base acreage allotment transferred under this subsection shall be regarded as planted to upland cotton on the farm and in the county and State from which transfer is made for purposes of establishing future farm, county and State allotments."

SEC. 602. Effective beginning with the 1971 crop of upland cotton, section 103 of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof a new subsection (e) reading as follows:

"(e) (1) The Secretary shall make available for the 1971, 1972, and 1973 crops of upland cotton to cooperators nonrecourse loans for a term of one year from the first day of the month in which the loan is made at such level as will reflect for Middling one-inch upland cotton at average location in the United States 90 per centum of the average world price for such cotton for the two-year period ending July 31 in the year in which the loan level is announced, except that to prevent the establishment of such a loan level as would adversely affect the competitive position of United States upland cotton, following one or more years of excessively high prices, the Secretary shall make such adjustments as are necessary to keep United States upland cotton competitive and to retain an adequate share of the world market for such cotton. The average world price for such cotton for such preceding two-year period shall be determined by the Secretary annually pursuant to a published regulation which shall specify the procedures and the factors to be used by the Secretary in making the world price determination. The loan level for any crop of upland cotton shall be determined and announced not later than November 1 of the calendar year preceding the marketing year for which such loan is to be effective.

"(2) In addition, the Secretary shall make available to cooperators payments on the 1971, 1972, and 1973 crops of upland cotton. The payments shall be at such rate per pound as, together with the loan level for Middling one-inch cotton at average location will be equal to the greater of (i) 35 cents, or (ii) 65 per centum of the parity price for upland cotton as of the beginning of the marketing year: *Provided*, That the payment rate with respect to any producer who, during the three-year period immediately preceding the year in which the payment is due—

"(1) had average gross annual sales of farm products of not more than $5,000; and

"(2) had average annual off-farm earned income of not more than $2,000 (including income of both husband and wife in the case of a married farmer),

and who is on a small farm (that is a farm on which the acreage allotment is ten acres or less, or on which the yield used in making payments times the acreage allotment is three thousand six hundred pounds or less, and for which the base acreage allotment has not been reduced under section 350 (f)) shall be increased by 30 per centum. The Secretary shall make a preliminary payment to producers, as soon as practicable after July 1 of the year in which the crop is harvested, at a rate equal to 15 cents per pound, and the payment so made shall not be reduced if the rate as finally determined is less than the rate of the preliminary payment.

"(3) Such payments shall be made available for a farm on the quantity of upland cotton determined by multiplying the acreage planted within the farm base acreage allotment for the farm for the crop by the average yield established for the farm: Provided, That payments shall be made on any farm planting not less than 90 per centum of the farm base acreage allotment on the basis of the entire amount of such allotment. For purposes of this paragraph, an acreage on the farm which the Secretary determines was not planted to cotton because of drought, flood, other natural disaster, payment limitation, or a quarantine imposed by the county, State, or Federal Government of the producer shall be considered to be an acreage planted to cotton. The average yield for the farm for any year shall be determined on the basis of the actual yields per harvested acre for the three preceding years, except that the 1970 farm projected yield shall be substituted in lieu of the actual yields for the years 1968 and 1969: *Provided*, That the actual yields shall be adjusted by the Secretary for abnormal yields in any year caused by drought, flood, or other natural disaster: Provided further, That the average yield established for the farm for any year shall not be less than the yield used in making payments for the preceding year if the total cotton production on the farm in such preceding year is not less than the yield used in making payments for the farm for such preceding year times the farm base acreage allotment for such preceding year (for the 1970 crop, the farm domestic allotment).

"(4) (A) The Secretary shall provide for a set-aside of cropland if he determines that the total supply of agricultural commodities will, in the absence of such a set-aside, likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. If a set-aside of cropland is in effect under this paragraph (4), then as a condition of eligibility for loans and payments on upland cotton the producers on a farm must set aside and devote to approved conservation uses an acreage of cropland equal to (i) such percentage of the farm acreage allotment for the farm as may be specified by the Secretary (not to exceed 12½ per centum of the farm acreage allotment), plus (ii) the acreage of cropland on the farm devoted in preceding years to soil conserving uses, as determined by the Secretary. The Secretary may permit cotton or other commodities to be planted on the set-aside acreage to such extent and subject to such terms and conditions as he may prescribe.

"(B) To assist in adjusting the acreage of commodities to desirable goals, the Secretary may make land diversion payments, in addition to the payments authorized in subsection (e) (2), to producers on a farm who, to the extent prescribed by the Secretary, devote to approved conservation uses an average of cropland on the farm in addition to that required to be so devoted under subsection (e) (4) (1) (A). The land diversion payments for a farm shall be at such rate or rates as the Secretary determines to be fair and reasonable taking into consideration the diversion undertaken by the producers and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to adversely affect the economy of the county or local community.

"(5) The upland cotton program formulated under this section shall require the producer to take such measures as the Secretary may deem appropriate to protect the set-aside acreage and the additional diverted acreage from erosion, insects, weeds, and rodents. Such acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies. The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm as the Secretary may prescribe by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

"(6) If the operator of the farm desires to participate in the program formulated under this section, he shall file his agreement to do so no later than such date as the Secretary may prescribe. Loans and purchases on upland cotton and payments under this section shall be made available to the producers on such farm only if producers set aside and divert an acreage on the farm equal to the number of acres which the operator agrees to set aside and divert, and the agreement shall so provide. The Secretary may, by mutual agreement with the producer, terminate, or modify any such agreement entered into pursuant to this subsection (e) (6) if he determines such action necessary because of an emergency created by drought or other disaster, or in order to alleviate a shortage in the supply of agricultural commodities."

"(7) The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing on a fair and equitable basis, in payments under this section.

"(8) In any case in which the failure of a producer to comply fully with the terms and conditions of the program formulated under this section precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases, and payments in such amounts as he determines to be equitable in relation to the seriousness of the default.

"(9) The Secretary is authorized to issue such regulations as he determines necessary to carry out the provisions of this title.

"(10) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(11) The provisions of subsection 8(g) of the Soil Conservation and Domestic Allotment Act, as amended (relating to assignment of payments), shall apply to payments under this subsection."

SEC. 603. The tenth sentence of section 407 of the Agricultural Act of 1949, as amended, is amended by deleting all of that sentence from the beginning to and including the words "110 per centum of the loan rate, and (2)" and inserting in lieu thereof the following: "Notwithstanding any other provision of law, (1) the Commodity Credit Corporation shall sell upland cotton for unrestricted use at the same prices as it sells cotton for export, and in no event shall it sell upland cotton owned or controlled by it at less than 110 per centum of the loan rate plus an allowance for carrying charges which will reflect commercial rates for storage, warehousing services and other handling costs, insurance, and interest at the prevailing rate charged by the Commodity Credit Corporation on cotton loans, and (2)".

SEC. 604. Section 408(b) of the Agricultural Act of 1949, as amended, is amended by inserting a colon in lieu of the period at the end of the first sentence and adding the following: "And provided, That for the 1971, 1972, and 1973 crops of upland cotton a cooperator shall be a producer on a farm on which a farm base acreage allotment has been established who has set aside the acreage required under section 103(e)."

SEC. 605. Effective only with respect to the 1971, 1972, and 1973 crops the Agricultural Adjustment Act of 1938, as amended, is further amended as follows:

(1) By adding in section 378 a new subsection (d) to read as follows:

"(d) The term 'allotment' as used in this

section includes the farm base acreage allotment for upland cotton."

(2) By adding at the end of section 379 the following sentence: "The term 'acreage allotments' as used in this section includes the farm base acreage allotments for upland cotton."

(3) By adding in the first sentence of section 385 after the words "parity payment," the words "payments under the cotton set-aside programs,".

SEC. 606. Effective only with respect to the 1971, 1972, and 1973 crops, section 706, Public Law 89–321 (79 Stat. 1210) is amended as follows:

By adding at the end thereof the following sentence: "The term 'acreage allotments' as used in this section includes the farm base acreage allotments for upland cotton."

SEC. 607. Effective only with respect to the 1971, 1972, and 1973 crops of the commodity, the Agricultural Act of 1949, as amended, is further amended by adding in section 408 a new subsection (1) as follows:

"REFERENCE TO TERMS MADE APPLICABLE TO UPLAND COTTON

"(1) References made in sections 402, 403, 406, and 416 to the terms 'support price,' 'level of support,' and 'level of price support' shall be considered to apply as well to the level of loans and purchases for upland cotton under this Act; and references made to the terms 'price support,' 'price support operations,' and 'price support program' in such sections and in section 401(a) shall be considered as applying as well to the loan and purchase operations for upland cotton under this Act."

SEC. 608. Section 203 of the Agricultural Act of 1949, as amended, shall not be applicable to the 1971, 1972, and 1973 crops.

SEC. 609. The Secretary shall file annually with the President for transmission to the Congress a complete report of the programs carried out under this title. Such report shall include the amount of funds spent, the purposes for which such funds were spent, the basis for participation in such programs in the various States, and an appraisal of the effectiveness of the programs.

SEC. 610. The Commodity Credit Corporation, in furtherance of its powers and duties under subsections (e) and (f) of section 5 of the Commodity Credit Corporation Charter Act, shall, through the Cotton Board established under the Cotton Research and Promotion Act, and upon approval of the Secretary, enter into agreements with the contracting organization specified pursuant to section 7(g) of that Act for the conduct, in domestic and foreign markets, of market development, research or sales promotion programs and programs to aid in the development of new and additional markets, marketing facilities and uses for cotton and cotton products, including programs to facilitate the utilization and commercial application of research findings. Each year the amount available for such agreements shall be that portion of the funds (not exceeding $10,000,000) authorized to be made available to cooperators under the cotton program for such year but which is not paid to producers because of a statutory limitation on the amounts of such funds payable to any producer. No funds made available under this section shall be used for the purpose of influencing legislative action or general farm policy with respect to cotton.

TITLE VII—EXTENSION OF TITLES I AND II OF PUBLIC LAW 480

SEC. 701. Section 409 of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 83–480; 7 U.S.C. 1736c), is amended by striking the words "December 31, 1970." and inserting in lieu thereof the words "December 31, 1973.".

SEC. 702. Section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1732), is amended by inserting after the first sentence thereof a new sentence as follows: "The foregoing proviso shall not be construed as prohibiting representatives of the alcoholic beverage industry from participating in market development activities carried out with foreign currencies made available under title I of this Act which have as their purpose the expansion of export sales of United States agricultural commodities."

SEC. 703. (a) Section 104(b)(2) of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by striking out "2 per centum" and inserting "5 per centum".

(b) Section 104(k)(1) of such Act is amended by inserting before the comma at the end thereof the following ", other than paragraph (2) of subsection (b)".

TITLE VIII—GENERAL AND MISCELLANEOUS

LONG-TERM LAND RETIREMENT

SEC. 801. Section 16(e) of the Soil Conservation and Domestic Allotment Act, as amended, is amended—

(1) By inserting "(A)" after "SEC. 16(e)(1)".

(2) By inserting in the first sentence after "For the purpose of promoting the conservation and economic use of land" the following: ", and of assisting farmers who because of advanced age, poor health, or other reasons, desire to retire from farming but wish to continue living on their farms,".

(3) By inserting in the first sentence after "is authorized to enter into agreements," the following: "during the calendar years 1971, 1972, and 1973,"; and by substituting "three-, five-, and ten-year periods" for "such period not to exceed ten years as he may determine".

(4) By striking out the proviso at the end of paragraph (1) and inserting in lieu thereof the following: "Provided, That any agreements entered into under this section after July 1, 1970, shall prohibit grazing of such acreage."

(5) By inserting a new subparagraph (B) at the end of paragraph (1) to read as follows:

"(B) Such acreage may be devoted to approved wildlife food plots or fish and wildlife habitat which are established in conformity with standards developed by the Secretary in consultation with the Secretary of the Interior, and the Secretary may compensate producers for such practices. The producer shall agree to permit access to the farm without other compensation, under terms and conditions established by the Secretary, by the general public for hunting, trapping, fishing, hiking, or other recreational use, subject to applicable State and Federal regulations. The Secretary after consultation with the Secretary of the Interior shall appoint an Advisory Board consisting of citizens knowledgeable in the fields of agriculture and wildlife with whom he may consult on the wildlife practice phase of programs under this subsection, and the Secretary may compensate members of the Board and reimburse them for per diem and traveling expenses. The Secretary shall invite the several States to participate in wildlife phases of programs under this subsection by assisting the Department of Agriculture in developing guidelines for (a) providing technical assistance for wildlife and habitat improvement practices, (b) reviewing applications of farmers for the public land use option and selecting eligible areas based on desirability of wildlife habitat, (c) determining accessibility, (d) evaluating effects on surrounding areas, (e) considering esthetic values, (f) checking compliance by cooperators, and (g) carrying out programs of wildlife stocking and management on the acreage set aside. The Secretary shall consult with the Secretary of the Interior regarding regulations to govern the administration of those aspects of this subparagraph (B) that pertain to wildlife. Funds are authorized to be appropriated to the Secretary of the Interior for use in assisting the State wildlife agencies to carry out the provisions of this subparagraph and in administering such assistance."

(6) By adding at the end of paragraph (2) the following: "The foregoing provision shall not prevent a producer from placing a farm in the program if the farm was acquired by the producer to replace an eligible farm from which he was displaced because of its acquisition by any Federal, State, or other agency having the right of eminent domain."

(7) By adding at the end of paragraph (4) the following: "Any agreement may be terminated by mutual agreement with the producer if the Secretary determines that such termination would be in the public interest."

(8) By adding at the end of paragraph (5) the following: "The Secretary may if he determines that such action will contribute to the effective and equitable administration of the program use an advertising-and-bid procedure in determining the lands in any area to be covered by agreements. The total acreage placed under agreements in any county or local community shall be limited to a percentage of the total eligible acreage in such county or local community which the Secretary determines would not adversely affect the economy of the county or local community. In determining such percentage the Secretary shall give appropriate consideration to the productivity of the acreage being retired as compared to the average productivity of eligible acreage in the county or local community."

(9) By adding a new paragraph (6) to read as follows:

"(6) For the purpose of obtaining an increase in the permanent retirement of productive agricultural land to noncrop uses the Secretary may, notwithstanding any other provision of law, transfer funds available for carrying out the program to any other Federal agency or to States or local government agencies for use in acquiring productive agricultural land for the preservation of open spaces, natural beauty, the development of wildlife or recreational facilities, or the prevention of air or water pollution under terms and conditions determined by the Secretary to accomplish the purpose of the program. The Secretary also is authorized to share the cost with State and local governmental agencies and other Federal agencies in the establishment of practices or uses which will establish, protect, and conserve open spaces, natural beauty, wildlife or recreational resources, or prevent air or water pollution under terms and conditions and at costs consistent with those under agreements entered into with producers, provided the Secretary determines that the purposes of the program will be accomplished by such action. No appropriation shall be made for any agreement under this paragraph (6) involving an estimated total Federal payment in excess of $250,000 unless such agreement has been approved by resolution adopted by the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate."

(10) By striking out the last sentence of paragraph (7) and substituting the following: "The Secretary is authorized during any calendar year to enter into agreements under this subsection covering not to exceed six million acres plus the number of acres by which agreements in 1971 or 1972 covered less than six million acres."

(11) By striking out "June 30, 1963" in paragraph (7) and substituting "June 30, 1972".

(12) By inserting "farming opportunities and" preceding the words "interests of tenants and sharecroppers in paragraph (3)".

MARKETING QUOTA EXEMPTION FOR BOILED PEANUTS

SEC. 802. The last paragraph of the Act entitled "An Act to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes", approved August 13, 1957 (7 U.S.C. 1359 note), is amended to read as follows: "This amendment shall be effective for the 1957 and subsequent crops of peanuts.

VOLUNTARY RELINQUISHMENT OF ALLOTMENTS

SEC. 803. Notwithstanding any other provision of law, the Secretary may provide for the reduction or cancellation of any allotment or base when the owner of the farm states in writing that he has no further use of such allotment or base.

SEC. 804. (a) Notwithstanding any other provision of law, any producer who is participating in the feed grain program under title V of this Act, in the cotton program under title VI of this Act, or in the wheat program under title IV of the Act, shall, in any year in which an acreage diversion or set-aside program is in effect, under either such program in which such producer is participating, be permitted, subject to the conditions prescribed in subsection (b) of this section, to plant and harvest forage from an acreage on the farm equal to 25 per centum of the acreage on the farm diverted from production under such programs or twenty-five acres, whichever is greater.

(b) Any producer who elects to plant and harvest forage on diverted acreage must first agree not to use any forage harvested from such acreage unless authorized to do so by the Secretary.

(c) When any diverted acreage has been planted and harvested under authority of this section, the forage harvested therefrom shall be stored in sealed storage on the farm in accordance with such regulation as the Secretary may prescribe and shall be available for use during periods of emergency declared by the Secretary. In order to avoid deterioration of forage stored on the farm for emergency purposes pursuant to this section, the Secretary may permit such forage to be removed and used or sold from time to time so long as an amount of forage equal to the amount removed is previously placed in storage and sealed.

(d) Any farmer who has forage stored on his farm for emergency purposes pursuant to this Act may remove such forage from storage and use it whenever the Secretary has (1) designated as an emergency area the area in which such farm is located, and (2) specifically authorized the use of emergency forage for farmers in the area.

(e) The Secretary of Agriculture is authorized to make or guarantee loans to farmers, both tenants and landowners, to assist such farmers in the construction of storage facilities on the farm for the storage of emergency forage pursuant to the provisions of this section if such farmers are unable to obtain loans from commercial sources at reasonable rates and on reasonable terms and conditions. Loans made by the Secretary under this subsection shall be made at the current rate of interest for periods not exceeding ten years, and on such other terms and conditions as the Secretary may prescribe.

FARMER ADJUSTMENT PROGRAM

SEC. 805. (a) For the purpose of providing a transitional program to assist low-income farmers engaged in producing cotton, wheat, or feed grains in making the necessary adjustments to nonagricultural pursuits and to provide opportunities for gainful employment, the Secretary of Agriculture is authorized to formulate and carry out a program during the calendar years 1971 through 1973 under which the Secretary may enter into an agreement with any farmer who, during the three-year period immediately preceding the year in which the agreement is entered into—

(1) had average gross annual sales of farm products of not more than $5,000; and

(2) had average annual off-farm earned income of not more than $2,000 (including income of both husband and wife in the case of a married farmer).

(b) Agreements entered into under this section may include: (1) the surrender to the Secretary for permanent cancellation of average allotments and base acreages then under the control of the farmer in return for cash consideration in an amount determined to be appropriate by the Secretary; (2) adjustment assistance not to exceed $2,500 per year for a period not to exceed one year.

(c) The Secretary shall, in achieving the objectives of this section, arrange for utilization to the maximum extent possible of existing Federal and State programs designed to provide grants, loans, and other assistance which will further facilitate this adjustment program.

(d) The Secretary shall prescribe such regulations as he deems necessary to carry out the provisions of this title.

TITLE IX—RURAL DEVELOPMENT

SEC. 901. The Congress hereby finds that the technology responsible for the unrivaled abundance of American agriculture has also been largely responsible for the elimination of millions of farm-related jobs. Since 1940 an estimated twenty-five million displaced farm and rural residents have migrated, chiefly to metropolitan areas, primarily in search of new economic opportunities. Presently, 20 per centum of the adult urban population are former rural residents.

The Congress further finds that despite a slowdown in the peak migration of approximately one million people a year in the 1950's, movement of people from rural areas still continues at a high rate. By the year 2000 or soon thereafter, one hundred million more Americans will be added to the one hundred forty million already living in our cities and suburbs. Unless this Nation makes a commitment of sufficient magnitude to reverse the present trend toward excessive concentration of population, two hundred forty million people will be crowded together in four giant strip cities. Already, 70 per centum of our population lives on less than 2 per centum of our land.

The Congress further finds that the devastating consequences of the population shift are evident everywhere—in both urban and rural America. Countless rural communities, once thriving and prosperous, are facing social and economic bankruptcy because too few residents remain to support essential public services and civic institutions. On the other hand, our large cities are facing gradual strangulation. Our giant cities are finding themselves increasingly unable to deal with the large influx of uneducated rural migrants who are ill-prepared for urban living. The congested traffic arteries, the pollution of the water and the air, the soaring crime rates, the housing blight, and the simple lack of adequate elbow room are rapidly making our larger cities unlivable as well as ungovernable.

The Congress further finds that the legislative program provided for herein is vital to American agriculture. If we are to continue to have a viable commercial agriculture, it will be necessary that we continue to support the price of certain commodities and that we have some control over surplus production. However, farm price-support programs can never provide an adequate standard of living for a large number of rural residents. Even a farm program providing 100 per centum parity for all crops would not provide a decent standard of living to farmers who are too old or too uneducated to adapt to the new farm technology, and to farmers who are unable to secure enough capital to build an efficient farming operation. No system of farm price supports can adequately provide for farm day laborers, migrant workers, and sharecroppers who are displaced by the new technology.

The Congress is, therefore, committed to a sound balance between rural and urban America. The Congress considers this balance so essential to the peace, prosperity, and welfare of all our citizens that the highest priority must be given to the revitalization and development of rural areas.

LOCATION OF FEDERAL FACILITIES

SEC. 902. In that it is the intent of Congress to minimize further impaction on already overcrowded metropolitan areas, Congress hereby directs the heads of all executive departments and agencies of the Government to establish and maintain departmental policies and procedures with respect to the location of new offices and other facilities in areas or communities of lower population density in preference to areas or communities of high population densities. The President is hereby requested to submit to the Congress not later than September 1 of each fiscal year a report reflecting the efforts during the immediately preceding fiscal year of all executive departments and agencies in carrying out the provisions of this section, citing the location of all new facilities, and including a statement covering the basic reasons for the selection of all new locations.

PLANNING ASSISTANCE

SEC. 903. Under authority of the Housing and Urban Development Act of 1968, the Department of Housing and Urban Development and the Department of Agriculture are authorized to provide assistance to States planning for the development of rural multicounty areas not included in economically depressed areas. In enacting this legislation, the Congress made it clear that the purpose of the program was to help preserve and utilize our great human and economic investment in small towns and in less populous regions.

The Congress is deeply concerned that the key goals of these programs are not being met or even approached. It is, therefore, the purpose of this section to provide the Congress with information sufficient for it to determine whether the nonmetropolitan planning program is meeting certain national priorities and goals. The Secretary of the Department of Housing and Urban Development and the Secretary of Agriculture shall submit to the Congress a joint progress report regarding the operations of such program not later than September 1 of each fiscal year reflecting the efforts under such program during the immediately preceding fiscal year. The first such annual report shall be submitted not later than December 1, 1970, and shall cover the period beginning August 1, 1968, the date of enactment of the Housing and Urban Development Act of 1968, and ending June 30, 1970.

INFORMATION AND TECHNICAL ASSISTANCE

SEC. 904. Planning and development activities depend upon well-informed and well-educated community leaders and citizens. Small communities and less populated areas often lack the resources and technical assistance necessary to insure that the level of their understanding and knowledge regarding planning and development activities is adequate. Since these ingredients are essential to the development of these areas, it is essential that the Congress evaluate the actions of the Department of Agriculture in providing such assistance, either through the Department of Agriculture or in cooperation with others. The Secretary of Agriculture shall submit to the Congress a report not later than September 1 of each

fiscal year reflecting the efforts of the Department of Agriculture regarding the providing of information and technical assistance to small communities and less populated areas during the immediately preceding fiscal year. The first such annual report shall be submitted not later than December 1, 1970, covering the period beginning July 1, 1969, and ending June 30, 1970. The Secretary shall include in such reports to what extent technical assistance has been provided under other Federal programs and through land grant colleges and universities and through the Extension Service programs of the Department of Agriculture.

GOVERNMENT SERVICES

SEC. 905. In that adequate government services are essential for an acceptable quality of life in rural areas, highest priority must be given to extending to rural areas the same government services which are available to urban areas. The Congress is especially concerned that rural communities be provided with adequate telephone services, adequate water and sewer systems, high quality medical care, and superior educational facilities. The President is requested to submit to the Congress a report not later than September 1 of each fiscal year stating the availability of these and other government services to rural areas and outlining efforts of the executive branch to improve these services during the immediately preceding fiscal year. The President is requested to submit the first such annual report, covering the fiscal year ending June 30, 1970, on or before December 1, 1970.

FINANCIAL ASSISTANCE REPORT

SEC. 906. Extensive revitalization of rural America will require special financial assistance and since such financial assistance is not available through normal credit channels, the President is requested to report to Congress on the possible utilization of the Farm Credit Administration and agencies in the Department of Agriculture to fulfill this financial assistance requirement. The President is requested to submit the report requested by this section on or before July 1, 1971, together with such recommendations for legislation as he deems appropriate.

Mr. BYRD of West Virginia. Mr. President, Senators have been put on notice that there will be a live quorum at this time. So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 294 Leg.]

Allen	Ervin	Metcalf
Byrd, Va.	Fulbright	Mondale
Byrd, W. Va.	Holland	Saxbe
Cranston	Javits	Talmadge
Eastland	Mansfield	Williams, Del.
Ellender	McClellan	

The PRESIDING OFFICER. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken	Hart	Schweiker
Anderson	Hollings	Scott
Bible	Hughes	Smith, Maine
Burdick	Inouye	Sparkman
Case	Jordan, N.C.	Spong
Church	Long	Stennis
Cooper	McGovern	Stevens
Eagleton	Muskie	Thurmond
Fannin	Nelson	Yarborough
Gore	Packwood	Young, N. Dak.
Gravel	Pell	Young, Ohio
Harris	Proxmire	

The PRESIDING OFFICER. A quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed without amendment, the following bills and joint resolution of the Senate:

S. 1170. An act to authorize the Department of Commerce to make special studies, to provide services, and to engage in joint projects, and for other purposes;

S. 3337. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Yakima Tribes in Indian Claims Commission dockets numbered 47–A, 162, and consolidated 47 and 164, and for other purposes;

S. 3617. An act to amend the Marine Resources and Engineering Development Act of 1966 to continue the National Council on Marine Resources and Engineering Development;

S. 3838. An act to prevent the unauthorized manufacture and use of the character "Johnny Horizon", and for other purposes;

S. 3997. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Confederated Banks of Ute Indians in Court of Claims case 47567, and a judgment in favor of the Ute Tribe of the Uintah and Ouray Reservation for and on behalf of the Uncompahgre Band of Ute Indians in Indian Claims Commission docket numbered 349, and for other purposes;

S. 4033. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Chemehuevi Tribe of Indians; and

S.J. Res. 67. A joint resolution 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.

The message also announced the House had agreed to the concurrent resolution (S. Con. Res. 49), providing for congressional recognition of the Goddard Rocket and Space Museum.

The message further announced that the House had disagreed to the amendments of the Senate to 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 authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 17570) to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke and other related diseases, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. JARMAN, Mr. ROGERS of Florida, Mr. SPRINGER, and Mr. NELSEN were appointed managers on the part of the House at the conference.

H.R. 17795 HELD TEMPORARILY AT THE DESK

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the bill H.R. 17795, to amend title VII of the Housing and Urban Development Act of 1965, be held temporarily at the desk.

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

THE PRESIDENT'S WELFARE PROGRAM—TESTIMONY OF FIVE GOVERNORS BEFORE COMMITTEE ON FINANCE

Mr. JAVITS. Mr. President, the other day the Senator from Delaware (Mr. WILLIAMS), in commenting on the President's welfare program, gave certain feelings of his own about a UPI dispatch which characterized the testimony of five Governors before the Committee on Finance. I have undertaken to obtain the testimony of each of these five Governors. I have no quarrel whatever with the conclusions drawn by the Senator from Delaware because, as a matter of fact, the account said the bill was submitted to slashing criticisms by these Governors.

Mr. President, I ask unanimous consent that the statements of Governors Hearnes, Licht, and McCall before the Committee on Finance be printed in the RECORD.

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

TESTIMONY BY THE HONORABLE WARREN E. HEARNES, GOVERNOR OF MISSOURI

Mr. Chairman and members of the Committee: I am Warren E. Hearnes, Governor of Missouri and Chairman of the National Governors Conference. I appreciate the invitation extended to myself and my colleagues to appear before this distinguished Committee of the United States Senate and discuss the subject of welfare reform as embodied in H.R. 16311. However, in my brief opening remarks, I would like to present to the Committee, welfare policy positions adopted by the National Governors Conference.

Welfare in our nation has been described as a "mess", a "failure", and a "disaster". I prefer to look upon the present welfare system as a natural consequence of almost forty years of piling rule upon rule, regulation upon regulation, and law upon law; state and federal. It is a jerry-built structure and it would appear that we have come to the end of the road with the system as it is, and there is general agreement that there must be a thoroughgoing overhaul of welfare as we now know it.

The Governors of the nation, faced with runaway costs, day-to-day crises in welfare, and an administrative quagmire, took a long

hard look at the problem through its Human Resources Committee just prior to the meeting of the National Governors Conference in Colorado Springs in 1969. This Conference adopted several policy statements regarding welfare reform which were reaffirmed at the meeting last month of the National Governors Conference at the Lake of the Ozarks in Missouri. And while we disagreed on many other subjects, there was unanimity on what we believe should be done with the welfare system. The policies adopted by the Governors are as follows:

1. Substitution, on a phased basis, of a federally financed system of welfare payments for the current federal-state program for the aged, blind, disabled, and dependent children, and including also the general assistance programs now financed by the States themselves. Eligibility and grants would be determined by the Federal Government; the system would be state administered under federal guidelines. The system should include realistic income exemptions to provide incentives for persons to seek employment. Adequate day care for children of working mothers and an expanded federal job training program should also be assured. Some of these goals are suggested in H.R. 16311.

2. Increase in the present levels for all payments under the Old Age Survivors Disability Insurance Program, with a minimum payment of $100 per month.

3. Transfer of the present Old Age Assistance, Aid to the Permanently and Totally Disabled and Aid to the Blind programs to the Social Security Program, with payments being made from federal general revenues to the Social Security Trust Fund to cover the increased cost.

4. Full Federal funding for the Food Stamp Program so that welfare recipients and low-income persons in all states could be covered by the program.

Related directly to the welfare field was a policy adopted endorsing a national universal health insurance program, coupled with hospital cost controls as the primary method of keeping rising health costs from preventing people from receiving the medical care they need. The program would utilize the existing private enterprise medical system. The Conference went on record that Medicaid should be 100 per cent Federally financed. H.R. 17550, which I understand will be considered by this Committee next week, would be, in our opinion, a proper vehicle for federal assumption of Medicaid costs, or at least a greater percentage of federal contributions toward the program.

We, as Governors, are not too concerned with the question of state vs. federal administration of the welfare system, but we are positive in the belief that there should be 100 per cent federal financing of welfare. This conclusion resulted from the following facts as we viewed them:

Welfare is a national problem and the freedom of movement or level of subsistence should not be arbitrarily limited by the artificial boundaries of state welfare programs. HEW Secretary Richardson recognized this fact when he stated before this Committee on July 21, "Poverty and welfare are national problems requiring national solutions."

The Federal Government does, in fact, control the growth and direction of existing programs, and, thus, should assume full financial responsibility as well.

The states and localities face a continuing and growing fiscal crisis, in large part due to welfare costs, for which Federal relief must be provided.

H.R. 16311 is a step toward the position supported by the Governors. However, it is not as positive as we would like to see and it does not strike at the root of the problem, which is to try to bring about uniformity in application of the laws and the rules so that there can be equal treatment of the poor, irrespective of their geographic location. This can only be achieved by full Federal financing and full Federal direction.

I have concluded my testimony regarding the welfare proposals of the National Governors' Conference. I will submit to the Senate Committee a separate statement setting forth those sections of H.R. 16311, which, in my opinion, need the attention of the Committee.

I would like to make one observation regarding H.R. 16311 to the Committee. I make this observation as Governor of Missouri and not as Chairman of the National Governors' Conference, since it is quite possible I may not reflect the views of some of my gubernatorial colleagues.

It occurs to me that the Administration has simply picked a figure out of the air—some $4.1 billion—and attempts to compress too many major and costly reforms into this figure. I would suggest that the Committee delay the adoption of the legislation at this time which would draw into the welfare system some 14 million citizens now in the ranks of the working poor or under-employed. I believe the money could be used to better advantage in shoring up other aspects of this Bill.

For example, it is generally conceded that the $1,600 guaranteed floor, plus some $860 in Food Stamps, for an average family of four under the Aid to Families with Dependent Children program, which will be supplanted by the Family Assistance Plan (FAP), is wholly inadequate. It is far below the established poverty level of $3,720.

Another example of a sadly neglected group are the single persons and childless couples among the poor, unable to work or to qualify for welfare benefits, who have been completely overlooked as far as the welfare reform measure is concerned. They should be brought under coverage in H.R. 16311.

Granting that attention should be given later to the working poor, it seems to me that welfare reform for the benefit of the present assistance recipients should be established and working before adding this vast new segment of the population to the welfare system.

Finally, the workability of the entire new welfare program is still to be proved. I agree with Senator Ribicoff's suggestion that the reform measure be thoroughly tested prior to placing it into effect. I understand that HEW is funding experimental projects in Seattle, Washington, and Gary, Indiana, and another one on a statewide basis in Vermont. This is a good start, but I would go further with the testing so that the plan could be tried in a number of states and communities, providing a diversity of problem areas, population groups and administrative structures. After the testing period, the legislation could be placed into effect if positive results are obtained. Certainly, we could create staggering disorder if we would move into a program as vast as that encompassed by H.R. 16311, until a thorough trial period has proved its value.

Thank you for the opportunity to appear before this distinguished Committee.

STATEMENT OF TOM MCCALL, GOVERNOR OF OREGON, SENATE FINANCE COMMITTEE—SEPTEMBER 10, 1970

Oregon believes strongly that welfare reform is long past due. The Family Assistance Plan has considerable merit and, if suitable amendments are included, will get Oregon's support.

We must find a way to break the deadly cycle of poverty and public dependency. The time is now and the need is essential.

It is our opinion, however, that the proposed changes are—in several instances—the wrong solutions for agreed-upon needs.

The American people have always been willing to help the helpless, the young, the aged, and the infirm. But people object to providing benefits to those who should and can help themselves.

Before I submit to you four basic areas which I think need changing—and a fifth suggestion which could help achieve and evaluate these changes—I would like for these proceedings to note the following two reminders:

We did, in May, submit to this committee a complete analysis of the bill as originally written.

In August, we submitted an analysis of the bill with its proposed amendments. Many technical points are contained therein which I will not take the time to comment on at this time.

I now ask that these two documents be made a part of the record.

And one other note of prologue: Oregon believes—as do most of the states—that those who can work should work. That premise is central to our thinking on this entire issue.

Our first objection is related directly to that major premise. The bill, as now written, seems to assume that people will be employed; that if not, we will encourage people to work by (1) having them register at an employment office, or, (2) having them undertake vocational training.

This is totally inadequate.

Welfare's world contains many employable people who have failed and will continue to fail. It also contains the voluntary poor, the under-achievers, the unmotivated. It contains employable persons who find ways to beat the system via a poor attitude, sloppy dress, carelessness, and absenteeism.

There also are always employable people involved who—because of age, ability, physical or mental condition—cannot handle normal competitive work situations. They are at the bottom of the employment ladder and are projected to remain there.

This dilemma of employment cannot be solved by registry for work. Sending applicants to employment offices or vocal rehabilitation training centers is an inadequate solution.

Those who are in this category must be given no alternative but to work.

The Family Assistance Plan will not succeed without availability of jobs. The only choice given those who *can* work should be the choice between work in the labor force or work in community sponsored projects funded by the Federal Government. Given these alternatives, most people find motivation to move toward private industry and higher pay as soon as jobs open up.

And there are tremendous needs for community work projects, especially in the fight against pollution. There are public lands and roadways to clean, parks and recreation facilities to develop, streams to clear. Meaningful programs can be fashioned to meet these needs. We must restore the public works approach if welfare is to succeed.

The public is entitled to some kind of a return from its big investment to maintain humane standards. If the public could see a substantial return—through community-enriching projects—their support for the welfare structure would be encouraged and revived.

This no-alternative-but-work premise is *basic*. We believe the Welfare Reform Bill—and the whole welfare program—is doomed if we don't instigate this premise and activate it.

And, unless we can innovate means and measures such as these, we feel the Welfare Reform Bill offers no real reform—just a restatement of ancient problems from newer perspectives.

Our second objection is embraced by a suggestion we made to the National Governors' Conference which endorsed it last month in Missouri: that the federal govern-

ment now begin to assume gradually the full responsibility for funding welfare programs.

In the last three to five years, overwhelming changes in federal policy, in legislation, in HEW directives and procedures, and in federal court decisions have resulted in spiraling welfare caseloads and costs—in Oregon as in all the states.

Oregon's insistence on more federal funding help is more than just a desire to hold onto state funds: more and more decisions—decisions that cost state dollars—are made at the federal level.

In the last few years we have seen federal decisions do away with durational residence requirements, terminate work programs, require us to disregard earnings far beyond the poverty level, and forbid us to terminate payments while fair hearings are pending.

The state has no voice or choice in these decisions. The other partner makes all of the decisions, while our side of the operation must still pick up its partner's share of the tab.

We recommend two changes in this area:

First, that the Act be further amended to make the fiscal year 1971 state expenditures for *all* welfare programs the maximum amount of participation required of the states, and:

Second, that commencing with fiscal year 1971, the "maintenance of effort" payment should be reduced over a specified period of years until the state's share has been completely phased out and the program costs are completely assumed by the federal government: *funding responsibility should rest where decisions that cost money are made.*

States desperately need federal help in funding. The states are straining now.

The whole spectrum of change—ranging from this bill to a complete federal takeover of welfare costs—poses potential problems of job security for employees in the Welfare program. We urge that the bill guarantee employees protection against a worsening of their position with respect to their employment.

As for our third objection we feel strongly that the earnings desregard formula must be modified. The formula now contained in the bill, will allow those welfare recipients who work, to retain too much money. This bill allows persons to get on the welfare rolls at too high an income level. And, once on the rolls, there is too little incentive to get off.

The bill goes far beyond the poverty level in requiring state supplementation. A family of four in Oregon, with income up to $5652, will be eligible for state supplementation. If the value of medical assistance is added, the bill has the effect of continuing assistance until a family's income reaches the equivalent of $6022.

This is 62% above the poverty level and 91% above Oregon's average payment level.

On the other hand, the Family Assistance benefit for a family with *no* earned income is only about 45% of the poverty level defined by the bill. This is simply not enough for a family to live in decency and health. This problem will be compounded if steps taken by the federal government to control inflation result in continued high unemployment.

The State of Oregon recommends that the earnings disregarded for purposes of state supplementation be applied only up to the poverty level.

Termination of assistance to families with incomes above the poverty level would: (1) enable families to supplement the state payment level with earned income up to the poverty level; (2) reduce the number of families eligible for state supplementation, including the families of unemployed fathers; (3) further standardize the income level of families receiving state supplementation among all the states; and (4) make it possible to consider raising assistance benefit levels for all families.

This recommendation is consistent with the philosophy of terminating federal income maintenance at the poverty level.

Our fourth objection is directed at the proposed elimination of federal requirement for supplementation of unemployed fathers.

The State of Oregon is convinced that the unemployed father program during the last year in Oregon has saved people from want.

We can trace case histories to fathers who had—prior to this pinch—been steadily employed.

We know that in many cases, all of their unemployment benefits had run out, and that—without this program—they would have been hard put to keep body and soul together.

In view of this present situation in our state, you cannot say that the only able-bodied fathers on welfare are shirkers who refuse to work.

For 10 years it has been federal policy to encourage the states to provide this kind of benefit. The wording of the present bill in question is a complete reversal of this policy.

Eliminating state supplementation for families of unemployed fathers brings back the era when families had to separate to survive.

We are convinced that public works programs to assure that work is available are absolutely essential elements in the Family Assistance Package. Without them, the entire package may well result in the same disappointments as our present welfare programs—all conceived by honorable men, but doomed from the start by built-in flaws. *We cannot support the Family Assistance Plan unless public works programs are included.*

Those are the four objections we wish to raise regarding the amended version of the President's proposed welfare reform bill.

I would like to close this report with a proposal which I am convinced could—if put into action—benefit the entire nation and strengthen the future and the justice of the welfare program.

Oregon is an amazingly exact microcosm of the entire United States. It would prove to be an illuminating testing ground for the cause of welfare reform.

Subject to legislative approval and other functional details, I offer you the State of Oregon as a field-test area for this program.

The special conditions and qualities of Oregon make it an excellent site for a pilot study.

The project could be undertaken at low cost and with a high promise for national application.

I say this because Oregon has been recognized as having the administrative capability and creative flexibility to accept such an assignment, plan it, man it, direct it, complete it, and report it for the benefit of all 50 states.

When I say Oregon is a microcosm of the entire nation, it is not a metaphorical statement. It is factual, borne out by statistical data.

Oregon represents 1% of the national population. Oregon's population—studied in percentage detail—matches the national population in birth-rate, death-rate, age distribution, employment profiles, urban versus rural distribution, ethnic breakdowns, years of completed schooling, and industrial wage scales.

By whatever test you apply, Oregon establishes itself clearly as an ideal pilot state for this study.

We think the *whole* package should be given a test. We would hope that the package would include our recommended changes—and that the test would utilize our state as a pilot model.

We submit these objections and recommendations in good faith—joining with you in the search for true, lasting, and equitable welfare reform.

TESTIMONY OF GOVERNOR FRANK LICHT OF RHODE ISLAND

INTRODUCTION

I am Governor Frank Licht of Rhode Island, and I am grateful for this opportunity to present my views on H.R. 16311, The Family Assistance Plan of 1970. I am accompanied today by Mr. John Affleck, Director of the Rhode Island Department of Social and Rehabilitative Services; Mr. James Reilly, Assistant Director; and Mr. John Murray, Budget Officer for the State of Rhode Island.

In H.R. 16311 there is for the first time a fundamental recognition of federal responsibility to establish a national minimum assistance level for the aged, blind, disabled, and family groups, including those deprived of parental support. Movement toward this concept is long overdue, and I support this approach.

The legislation now before us, however, is inadequate. Despite the amendments which have been made thus far, it fails to come to grips with the very critical problems inherent in our present social welfare system.

The proposed national income level of $1600 for a family of four is insufficient, even with the thirty percent federal participation in State supplementation. As drawn, the bill has additional defects. It will require increased State expenditures for medical assistance for new groups of families who would be assisted through the new federal-state programs. It eliminates a category of assistance for unemployed fathers. And, it would exclude impoverished single persons and childless couples from the federal program.

As I meet with you this morning, I am deeply concerned. On the one hand I strongly believe that meaningful welfare reform is long overdue. On the other hand, this specific proposal will bring substantive relief to only a very few states. For states such as Rhode Island, which have long responded to their citizens in need, this plan is inadequate.

Let me stress that the Nation's Public Assistance Program today is a mirror of our society, and reflects intimately, our complex social problems which are particularly concentrated in our urban areas. Over the past thirty-five years, the national program has not undergone significant change, and I would challenge it to do so at this time.

THE RHODE ISLAND PROGRAM

In order that you might appreciate my frame of reference in commenting on this Bill, may I point out that Rhode Island has a comprehensive, State-administered Public Assistance Program. If a person in need does not qualify under a federal program, he may receive assistance from our General Public Assistance Program, which is 100% State financed. I might also point out that Rhode Island in 1942 became the first state to abolish a residence requirement, and in July, 1961, the first to adopt the AFDC program for unemployed parents.

Rhode Island has consistently tried to meet its human resource obligations, and I believe that our national rank demonstrates our sense of responsibility. For the fiscal year ending June 30, 1969, Rhode Island had an expenditure per inhabitant for public assistance payments of $66.30—5th in the Nation. This includes an expenditure of $19.50 per inhabitant for AFDC—3rd in the Nation, and an expenditure in General Public Assistance per inhabitant of $4.30—2nd in the Nation.

Moreover, in the past five years Rhode Island has almost tripled its disbursements for direct aid, which have risen from thirteen and one-quarter million dollars in 1965 to almost thirty-eight million dollars this

year. Generally, welfare costs today, including medical assistance, account for one quarter of our total State Budget.

In June 1965 there were 5,547 families representing 21,368 persons receiving AFDC. There were also 356 cases on the AFDC–UP Program consisting of 2,192 persons. In June 1970 it is noteworthy that this AFDC–UP Program, to which I shall again refer at a later point, had decreased to 310 families representing 1,624 persons, while the regular AFDC Program had risen to 10,365 families representing 38,447 persons. This is close to a doubling in the number of families in the AFDC Program.

These expenditure patterns and recipient rates reflect the national situation. And, this does not include expenses for administering these programs, which are also large.

I think you can see that Rhode Island is committed to maintaining a quality Public Assistance Program, but I think you can also understand what a serious drain it represents on our limited resource base.

LEVEL OF ASSISTANCE

Today, a Rhode Island family of four is eligible to receive approximately $2800 to $3000 a year. Thus, the proposed $1600 floor, even with the amendment providing thirty percent federal participation in State supplementation, will do little if anything at all, to help Rhode Island.

The Federal Government has projected that Rhode Island would save $4,400,000 in State funds if the Family Assistance Plan were enacted. Our most optimistic estimate, however, is a possible savings of only $800,000. The Committee print of the Bill projects an increase in AFDC families in Rhode Island from 10,483 to 15,000 with the adult caseloads remaining essentially unchanged. With a 50% increase in caseload, it appears that our State costs will increase substantially because of the requirement of supplementary payments and of providing medical care. Medical costs were not even estimated by the Federal Government. And if pending amendments to the Medicaid legislation, as embodied in HR 17550, were enacted, they could easily more than cancel out any potential savings.

Also, the present bill does not reflect any plan to provide a continuing higher level payment to families in relation to changes in the cost of living. Payments to families at this time are limited and have a severe affect on the quality of individual and family life. These standards are being pegged at the level of January, 1970. Because of the flat formulas involved, there will be no incentives for the states to raise their levels of supplementary assistance payments. This is a most serious shortcoming of the proposed legislation, and an incentive should be devised to encourage states to increase payment levels.

Finally, I respectfully submit that President Nixon's statement in his message to the Congress in August 1969 that "for the first time, the Federal Government would make a strong contribution towards relieving the financial burden of welfare payments from state government" is not borne out by either the original or the amended bill.

I am of the opinion that the FAP minimum should be raised to the minimum poverty level by the middle of this decade, and that this be done as part of the phasing toward full federal assumption of the welfare responsibility.

WORK AND TRAINING

In our work-oriented society, work and training programs have a most appropriate place in an assistance payments program. At present, approximately 10% of the AFDC caseload in Rhode Island has income from employment or training. I believe that more training programs should be available for unemployed youth and for unemployed adults.

However, the mandatory requirement for compulsory work and training for mothers of children over six years of age may well create more problems than it will solve. While our experience shows that family aspirations and conditions improve as mothers enter the training and employment market, we have already had difficulty in securing sufficient training slots for those who have been available for such training on a voluntary basis. Also, work placements have not always been available for those who have completed training. Moreover, a continued emphasis in this area will require a far greater commitment to the provision of more day care facilities, and the very real possibility of an increased demand for day care services for those families who may be marginally above the level of family assistance.

In homes where the unemployed father is present, current provisions of the Family Assistance Plan make the floor of $1600 also a ceiling. For the Federal Government to participate in State supplementation, the father must leave home. Thus, instead of encouraging family unity, the revised plan actually fosters family separation.

In this regard, I should like to mention our own experience with unemployed fathers. Rhode Island is one of the few states which supplements fully employed parents through our General Public Assistance Program. We also extend the federal work incentive disregard to this group.

Despite the national economic decline, this program has decreased in Rhode Island, and shows almost a 100% caseload turnover each year. When the father is present in the home, our staff have the opportunity to work with him and with a total family, and help improve their living situation. However, when the father is absent, the common characteristic in AFDC, our experience shows that chances of reuniting the family dwindle and dependency soars.

I believe, therefore, that a national plan should not be based on categories but should be available to all persons who are now recipients of our State General Public Assistance Program, and that payments should include both childless couples and single persons.

THE ADULT CATEGORY

I strongly endorse the payment level of $110 per person in the adult categories. Rhode Island has a very high rate of beneficiaries of the Social Security Insurance System; yet more than 50% of the persons who receive Old Age Assistance in Rhode Island receive it because of an inadequate Social Security payment in relation to their need. The programs for Old Age Assistance, Aid to the Blind, and Aid to the Permanently and Totally Disabled should be transferred to the Social Security System. This might require contributions from the General Treasury and possibly from the states in the beginning. But, it seems contradictory for Social Security beneficiaries to have to receive several checks from the various agencies during the month instead of one adequate payment through the Social Security Plan.

ADMINISTRATION

The proposal to permit the state to choose federal administration of the program is most sound, for it would be difficult to work through a variety of mechanisms. Responsibility for the payment and delivery system should be 100% federal. If this is not possible at this time, certainly one agency should carry administrative responsibility for eligibility and payment.

I note that Title XX, the social services amendments, provides for emergency payments to be made through the social services plan. It would seem preferable to have all payments, including emergency assistance, made by one agency, which in this case would be the assistance payments agency. This would undoubtedly simplify the matter for both the assistance client and the agency.

Through its Family Court, Rhode Island makes a substantial effort to secure support from absent fathers. In the last fiscal year, we presented 4086 cases for support to our Family Court. Section 464 of this bill indicates that there shall be an obligation to the U.S. Government for such contributions. Since the state must make the effort in this instance, and should increase its effort to promote the participation of an absent parent in responsibility for the family, these collections should first be assigned to the state expenditure, and any balance then existing should be attributed to the national expenditure.

SOCIAL SERVICES

I am especially concerned that for administration a closed-end appropriation is being planned. This will retard the development and expansion of these very necessary services. We believe that when social workers are relieved of the need to become involved in the assistance payment administrative mechanism, they will be able to more effectively influence the individual and family life. The states should be encouraged to invest in improving the quality of these services, and a disincentive should not be built in by putting a limit on federal participation for the first time in the history of these programs.

CHILD WELFARE SERVICES

While we see the great need for full federal financial participation for all the Child Welfare Services and for all children who need them, we do endorse the new child welfare provisions in the bill, such as increased funds for foster care, the provision for subsidizing adoption of hard to place children, and the funding for national adoption resource exchange. These new provisions, however, continue to be limited in the face of the serious demands in the states for comprehensive child welfare programs.

Rhode Island in the last decade has been able to achieve a comprehensive program of services to children in their own homes as well as a variety of foster care services. Despite our strong effort to avert the need for foster care through the provision of preventive and rehabilitative services focused on stabilizing and strengthening the child's natural family, the deep-seated psychopathology of many families that come to the attention of Child Welfare Services demands a foster care plan. More and more children require it.

State expenditures for all the Child Welfare Services increased by 250.9% between 1960 and 1970. While federal participation in this program under Title IV–B of the Social Security Act supported 9.5% of the expenditures in 1960, Title IV–B funds for 1970 declined to only 7.7% of total expenditures. (This percentage excludes federal funds now available for child care and social services for AFDC children and emergency shelter.) Our foster care caseload between 1960 and 1970 has risen from 1217 to 1964, an increase of 61%, but the cost of foster care in Rhode Island has increased by 226.3% in this ten-year span from $515,895 to $1,683,445.

Foster care in Rhode Island, therefore, has largely been a State-financed program, and one to which we are deeply committed. There continues to be an urgent need to develop a variety of foster care resources to ensure the plan of choice for all children who need foster care.

We are enthusiastic over the provisions that will make adoptions available to more hard to place children through a subsidy arrangement and by insurance of the continuation of a national adoption resource exchange.

While the above provisions will enhance

services to children, we must express our deep disappointment that the pending legislation on foster care and adoption provides for federal funds through the annual congressional appropriation process. We recommend open-end financing for all child welfare services including payment of foster care as well as for services in foster care, with the only eligibility requirement being the child's need for care and service. Closed-end grants based on congressional appropriation make it most difficult for states to plan appropriately in the development and extension of services to children.

CONCLUSION

Gentlemen, I recognize the complexity not only of the bill before you but of the entire subject with which you have to deal, and I have purposely attempted not to be too detailed in my comments.

In summary, I would like to repeat what I stated earlier. [This legislation recognizes that income maintenance is a national responsibility, and I believe that reform in this direction is long overdue.]

The governors are concerned with the resources of their respective states and their obligations in other areas of human need. They have on two previous occasions urged the full federal assumption of the welfare responsibility on a phased basis.

I realize and respect the very real concern of Congress in the matter of expenditures, but if there is to be the kind of partnership that will permit the states to remain economically viable and permit all of us to work together in solving the problems at hand, then this legislation should be amended to provide more meaningful standards and more substantial funding.

Mr. JAVITS. Mr. President, first, while the Governors generally indicated ways in which the Family Assistance Act might be improved there was general support for an overhaul of welfare. Governor Hearnes started:

H.R. 16311 is a step toward the position supported by the Governors.

Governor Licht of Rhode Island testified that—

This legislation recognizes that income maintenance is a national responsibility and I believe that reform in this direction is long overdue.

Moreover, speaking of the recent Governors conference in Missouri, Governor Hearnes stated:

And while we disagreed on many other subjects, there was unanimity on what we believe should be done with the welfare system.

The Governors Conference called for the "substitution of a federally financed system of welfare payments for the current Federal-State program."

I believe the Family Assistance Act to be a historic initiative on the part of this Republican administration at reform of the manifest inequities in our present welfare system. The present system has failed the welfare recipient, has failed the taxpayer, and has been characterized as a "mess," a "disaster," and a "failure." The undeniable fact is that reform is needed—and it is needed now. Our States and cities are faced with runaway costs as they try to cope with the mounting crises in public assistance. I think the Family Assistance Act's recognition of the need for nationally uniform minimum eligibility and benefit standards, coupled with the act's strong work incentives will result in a decline in the rate of increase of our public assistance rolls.

I do hope that whatever legislation is reported out by the Committee on Finance will contain provisions for covering the working poor under both the Federal and State benefit portions of the act. As President Nixon emphasized, one of the four fundamental principles of the act is "to provide equity to working poor families." While the administration has shown considerable foresight by including working poor families within the Federal $1,600 benefit, the act unjustly excludes these families from the State supplemental benefit requirement. It is these individuals—the family headed by a full-time working male—who are, in effect, helping themselves out of poverty and who deserve the encouragement and assistance to insure that they do not slide onto the welfare rolls.

This exclusion of working poor families from the State benefit portion of the act produces three undesirable social consequences: First, the exclusion constitutes a basic inequity since working poor families may have financial need equal to that of families in which there is no full-time working male, yet they are unable to receive Federal public assistance under current law; second, the exclusion produces an incentive for male heads of households to work less, rather than more; and, third, the exclusion of the working poor has provided encouragement for families to dissolve or for couples never to marry. The considerations which have prompted the administration to include the working poor under the basic Federal payment apply equally in respect to the supplemental payment.

Finally as noted by Assistant Secretary of Labor James Rosow in the March 30, 1970, edition of the Wall Street Journal, about 200,000 working poor families rise above the poverty line—$3,720 for an urban family of four—each year.

To my mind, it is rather auspicious that such a plan does have State support and it is deserving of our serious consideration, rather than the UPI account indicated, speaking the other way.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. ELLENDER. Mr. President, without losing my right to the floor, I yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, let there be no misunderstanding—the Governors testifying before the Finance Committee did not endorse the administration's family assistance plan. To illustrate this point, I ask unanimous concent that there be printed in the RECORD the questions and answers asked these Governors at that particular hearing.

I put this under the same title used by the Washington Post in its article of September 11: "Governors Wary of Nixon Welfare Bill."

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

QUESTIONS AND ANSWERS

The CHAIRMAN. Thank you very much, gentlemen.

As one member of this Committee, I want to express my appreciation for the fact that your statements indicate that you do have some idea of what this bill is all about, which I cannot say for all those who comment on this bill, especially some of the reports I have read about it.

Now, in the first place, everybody likes to talk about reform. Well, of course, most people think of reform as something where you correct or improve on what you have.

Some of us challenge whether this bill improves on what we find wrong with the program, to begin with, or whether it is simply a case of doubling up the rolls without correcting what is already wrong with the program.

Here is a chart that, I assume, some of you are aware of generally, and if you have not seen the chart, here is what has been happening to our welfare rolls. Here is a chart, and if you look at about 1958 you see what the trend has been, what the older program of aid to the aged has done, it has gone down, and I think that program is well under control.

We have improved the payments, and we are taking better care of the aged, and we can do more, and that is one we gradually can take off of the States. The rolls have declined from 2,300,000 to 2,100,000 and the Social Security bills we have been passing have helped to do that.

There has been an increase in the new program that we provide for aid to totally disabled persons. That has gone up from about 300,000 to 800,000, by no means out of control, although we might improve on that.

Aid to the blind remains about constant. But look what has happened to aid to families with dependent children, that has gone up from 2,300,000 to about 7,300,000, and here is a bill which projects an immediate jump to more than double those rolls.

Now, that gives us some cause for concern, especially if we do not see where the improvements occur that we think need to be done.

Now, one of you, at least two of you, spoke of the fact that there is no assurance in this program that these people would be put to work. I would like to ask you, Governor Hearnes, or those associated with you, are you aware that in our efforts to make the work incentive program work we have examples, for example, in California, where 8,000 people who were supposed to have been taken off the welfare rolls because they either declined to work or take the training, that only 200 people were taken off the rolls?

Governor HEARNES. I can understand that, Mr. Chairman.

I know that Senators always agree and never disagree, but Governors are different, they sometimes disagree. I take the position, I differ from Governor Holton, I do not want just a bill out of this Committee because I think it could—he is speaking, addressing himself, to a financial crisis, with which I agree 100 percent. But I think the wrong kind of bill could increase rather than decrease our particular problem in the financial situation.

When you get to addressing myself to your particular point there, if you have a situation where a recipient of ADC can say to the proper authorities, "Well, I can't come to work at 8:00 o'clock, but I will be glad to come to work, I can only come to work at 10:00 o'clock in the morning," or any other qualifications like that, and the employer says, "I can't use somebody who comes to work at 10:00 o'clock in the morning," if you give them that type of latitude, and this is kind of in line with what Governor McCall was saying, you are not going to get them off of the welfare rolls and into the work force.

The CHAIRMAN. Well, of course, New York does not have that same showing. They just

fix it up so that none of these people have to go to work anyhow. In that way, they do not have to turn you down, they just give them State regulations so that nobody is required or expected to go to work. They probably have a 100-percent going on relief declining to work.

You can see predictions about things to come by seeing what things are happening in the District of Columbia.

Are you aware here that yesterday our District Welfare Agency came up with their decision that a mother who comes to Uncle Sam with her illegitimate child does not have to name the papa? Here is Uncle Sam sitting in the position of being a reluctant grandfather, you might say, of this child so instead of presenting the child to the father, as the old-fashioned precedent would dictate, this mama presents this child for Uncle Sam to support, and Uncle Sam, who would just like to know who is the parent of this child, who is the father, saying, "If I am going to be the grandpa and support the child, who is the papa of this child," and now we see this great leadership coming out of the Department of Health, Education and Welfare which says that that mother does not have to identify that father.

For all we know that father might be well able to support that child.

Can you explain to me what logic there is in that?

Governor HEARNES. Well, if this were a regulation from HEW, as I understand from the Chairman, this again would conflict with Missouri law, wherein Missouri law requires disclosure, although if they say they do not know, there is nothing you can do about it, and it is possible not to know.

The CHAIRMAN. It just occurs to me you could ask them for their best guess. (Laughter)

Governor HEARNES. Mr. Chairman, you know the old saying that when you have run through the brush, you don't know—I won't go into that. (Laughter) But the point I am trying to make is that even if they did disclose, Mr. Chairman, and we required disclosure to the prosecuting attorney as part of our law, it still is just a routine. I am not arguing that they should not do it, please do not misunderstand me. But even if they are required, we do not get what we would like to get out of it, which would be, what is it, the Uniform Dependents So-and-So Act, where we can extradite from another State and bring him back in and make him pay, we do not get that because there is so much of it that the prosecuting attorney's office does not follow through.

The CHAIRMAN. Governor, if the majority of us on this Committee had our way about it, we would use the long arm of this Federal Government to reach out here and grab these runaway fathers wherever they go, no matter whose State they go to, even in foreign countries, we would undertake to get them; and, if need be, we would cut off the importation of products of this country from adjoining countries, if this Senator had his way, until they send back some of these runaway fathers to us, to help make them take care of their children.

Now, your State, I think wisely, would like to know just whose child are we supporting, and if you can find out you ought to.

Now, based on the trend of recent court decisions, when this Welfare Department here in the District of Columbia undertakes to put into effect a regulation which is contrary to what Congress intended, next in line you can expect a State like Missouri to be told that as a condition of receiving Federal aid, the Federal Court is going to make you put people on welfare and support those families even though you have the right to know who is there who is refusing to support his own child before you go to work supporting him and asking your taxpayers to support that child.

Governor HEARNES. Of course, Mr. Chairman, I might add this is just added evidence and proof of the fact that we think it ought to be a federally financed program because we have taken, there has been taken away from us so much of the responsibility—I forget the exact legislation where that was required—but we were required from HEW on some regulation, and it is almost every session, that we are required to enact new laws to conform with their regulations.

In this particular case, there was a special session of the General Assembly, so we thought we were being very intelligent about submitting to them ahead of time to be sure that the legislation was correct in form and was exactly what they wanted, and they okayed it.

We brought it back, introduced it and passed it, and it cost us a couple or three or five million dollars to pass it. After we passed it, they said it still had not conformed after they had approved it before we started.

These things are very exasperating for the Governors and the legislatures to try to stay not only within the intent of Congress but with what Congress has evidently done and given to HEW so much power to promulgate regulations.

In the last session I established a legislative body, five Senators and five Representatives, just to stay on top of regulations promulgated by HEW to see how we can conform to our legislature.

The CHAIRMAN. I am familiar with some of that, and I certainly can appreciate your plight, both you and the other Governors who recognize this.

My personal thought, as one member of this Committee, is that before we doubled the size of this program we ought to see if we cannot correct some of the things that are wrong with it, and if we can, I will try to do something about it.

Governor HEARNES. Mr. Chairman, I think the Medicaid was the greatest lesson Congress could learn about too fast and too quick—not Medicare but Medicaid—and the costs that came from that, and that should be the red light for this particular piece of legislation.

The CHAIRMAN. Senator Anderson.

Senator Talmadge.

Senator TALMADGE. Governor Hearnes and distinguished members of the Governors' Conference, I would like to welcome you here. I think your testimony has made a very valuable contribution to the deliberations of this Committee.

I may say that five members of this Committee are former Governors, so we are aware of some of the problems that confront you.

As I saw it from the tenor of your testimony, practically all, if not all, of you thought this bill needed considerable amendment.

I particularly concur with the views of the Chairman of your Conference, Governor Hearnes, that before we increase our welfare rolls from some 10 million to 25 million we ought to know what we are doing before we leap too fast through some sort of trial program which would be advisable in this area.

All of you spoke about the necessity of work incentives, I share that view. But this bill actually reduces the work incentives that the Congress wrote some three years ago.

The only incentive in this bill now is that they must register, and if they fail to register, the only penalty is the loss of $300 for the entire family. It illustrates how deficient the bill is in work incentives.

It has been demonstrated by the experts and the charts here that a family of four in New York City, if they lived in public housing and had Medicare, which they would have if they were on the welfare rolls there, and they drew the State supplements, plus the benefits that this bill would entitle them to, they would have an income in money or in equivalent kind of $6210 per year.

Now, if a member of that family—and I think it would be far beyond the imagination to assume a welfare family or some members of it—would get a job immediately earning $7,000 a year, do you know what the equivalent income would be? One dollar less than their welfare benefits, $6209 per year.

I think it would be catastropic if the Congress immediately leaped into passing legislation of that kind. It would be such a disincentive to work rather than an incentive.

This bill has been carried to the American public as a work incentive program. It is really just the opposite, because it repeals legislation that is actually stronger in the work incentive area.

As the Chairman pointed out to you, the real problem that we are confronted with here is the tremendous and enormous increase in aid to dependent children. Yet this bill does not even provide for family planning services. It repeals some of the present laws on family planning.

Don't you gentlemen concur that we ought to have some provision, if we pass anything, that would accentuate family planning so that we would not be faced with a continuous skyrocketing increase in aid to dependent children? You share that view, Governor Hearnes?

Governor HEARNES. Yes, sir. And, Senator, I am not sure about the exact wording of the bill, but the President's terminology, if I remember the speech, he talked about suitable employment. Well, I take the viewpoint that if you are out of work, I do not know what work would not be suitable if you need work.

Senator TALMADGE. That is the old-fashioned theory in Georgia. If you do not have any work you get any work that you can where you can exist. But the new theory seems to be that you have got to have a certain status before you take that work.

Governor HEARNES. If the word "suitable" is still in the legislation, if they even talk about that, I just think it would leave us a lot of problems to define.

Governor HOLTON. They deleted that.

Senator TALMADGE. I would like to say one word further. I know of the enormous problems that States and local governments have in financing their burdens with Government now. But everyone has the idea that Uncle Sam is fat. Our projected national deficit next year on an administrative basis is somewhere between $20 and $25 billion. So any additional burdens we would assume we would have to either pay the amount of the deficit or else we would have to raise taxes in order to do so.

I think your contributions have been of great value to this Committee and I personally appreciate your appearing before us to share your views and your expertise with us. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

For your information, gentlemen, Senator Williams, who was here during your presentation-in-chief, the ranking Republican member on this Committee, found it necessary to attend a Republican conference which is going on right now to discuss the scheduling of this bill, as well as the Social Security bill and other bills that we hope to act on before the Congress adjourns.

I think the same thing explains the absence of certain other Republican members. Usually our Republican members have been very diligent in their presence. That is one reason why some of them are not here at this moment, they are attending that conference.

I will call on Senator Miller.

Senator MILLER. Thank you, Mr. Chairman.

Governor Licht, referring to page four of your testimony, you state that the family of four in Rhode Island is eligible to receive approximately $2800 to $3000 a year. How is that broken down? What are the elements of that?

Governor LICHT. I would like Mr. Reilly to be able to answer that. He is in charge of that. Mr. Reilly.

Mr. REILLY. Sir, it is approximately one-third of the payments is shelter, and about two-thirds of it go in the direction of basic living essentials, that is, food, clothing, and personal incidentals.

Senator MILLER. Is that State supplementation? What are the elements? I do not mean how do you determine what the money goes for, but how do we get $2800 to $3000 a year? Where did that come from?

Mr. REILLY. Under the law, sir, the State established its standard of need, and we have been making adjustments in the so-called standard of need over the years. We measure a person's eligibility by that standard of need. The Federal Government participates 51.7 percent.

Senator MILLER. How much?

Mr. REILLY. 51.7 percent in the expenditure in AFDC.

Senator MILLER. This is just roughly half State money and half Federal.

Mr. REILLY. Yes, sir. We are advised that the Federal, the rate of Federal, participation will diminish next year. A new formula will be applied to us.

Senator MILLER. Your point is the $1600 Family Assistance Plan, plus 30 percent Federal matching, would leave the State about where it is, possibly worse off?

Mr. REILLY. Sir, we expect that because of increased caseloads and a probable increase in medical card cost that there is real danger that we might end up with more expenditures rather than less.

Senator MILLER. Does that $2000 to $3000 a year include the State's share of Medicaid costs?

Mr. REILLY. No, it does not, sir.

Senator MILLER. Well, if we are looking at a family of four, what would be the total benefits that family would receive? As I understand it, you are talking about cash from the Federal Government of about half, cash from the State Government of about half. We would have Medicaid benefits on top of that.

Mr. REILLY. Yes. That runs approximately $600 per family per year, and it is increasing.

Senator MILLER. Yes.

Mr. REILLY. We find that our expenditures for medical care with poor families are higher, higher than we would find with the average member of the community.

Senator MILLER. How much of that $600 of Medicaid would be the State's?

Mr. REILLY. Again it is 51.7 percent Federal.

Senator MILLER. All right. Then we have food stamps on top of that, do we not?

Mr. REILLY. Yes, sir.

Senator MILLER. That would be $840 or thereabouts?

Mr. REILLY. I think it would be less than that in our instance. I think it would probably be in the vicinity of $600 to $700.

Senator MILLER. Well, let us say $600.

So by the time you take this cash, let us say, of $3000 a year plus $600 in Medicaid benefits, plus $600 in food stamps, you are up to $4200 in benefits.

Mr. REILLY. Yes, sir.

Senator MILLER. And that is far above the poverty level.

Mr. REILLY. It is above the poverty level of $3700. It is below the level recommended by the Department of Labor for the New England Region, based upon working men's budgets which run in the vicinity of $5500 and upwards, depending upon the nature of the family.

Senator MILLER. But, of course, if you bring it up to the working men's level, then there is no incentive.

Mr. REILLY. I would agree, sir.

Senator MILLER. I just wanted to get into this so that we get a picture of that family, because I think one thing that has caused a great amount of concern in the Committee and in the general public, we have been talking about a Family Assistance Plan of $1600 plus State supplements, and everybody knows that that is not enough, but that is not the picture in this ball game. The ball game is the total package of benefits. That means family assistance, State supplement, Medicaid benefits, and in many cases public housing benefits.

Governor LICHT. Could I, Senator, attempt to break this down a little bit further, and that is that we estimate that with the enlargement of those who come into the program under the present bill, as amended, we would have, perhaps, a saving of $1,600,000, and the increased medical costs look to us like they would cost about $2 million so we end up with about $400,000.

Then we have a loss in the family care collections because, at the present time, we share 50–50 with the Federal Government, and they want to take that off. We end up with a minus of $800,000, and we do get a break on the aid to aged, blind, and disabled, about $1,700,000 plus increased medical costs of $100,000, of $1.6 million, so we end up with a net of about $800,000.

The difficulty, of course, is these are estimates and we are not sure just whether they are absolutely correct. But we have a feeling that the problem is not one of solving our problem by $800,000.

These increases in costs are such if we are not to be drained of our resources, what we are looking for is some kind of recognition by the Federal Government of its Federal responsibility in the area of social welfare to the point where on a phased basis the Federal Government is going to take over the responsibility.

Now, the point is the program suggests that it is an income maintenance plan, and recognizes it as a national plan, and if that is so, I believe it to be a national responsibility, and somewhere along the line we ought to be able to see when there is going to be a Federal takeover of this.

You can have a national standard, you can have built into this thing those incentives that you think are necessary to help break this vicious cycle. But my main concern with the bill, and my purpose really in coming here is, that I think you would have to accept the feeling on the part of the Governors of recognizing the problems of Federal financing as well, but that we recognize in this social welfare program, as I think Senator Long indicated, this spiraling gets to the point where we are not able to continue to support this kind of an effort, and yet to do the other things that we have to do in the areas of the human resources.

So my main thrust here today is to indicate to you the great difficulty we have, as we view this rising spiral of costs.

Senator MILLER. I think your point is well made. But one response to that could be that if, under your program, you've got this family of four receiving, in fact, actual benefits of around $4,200 with a poverty level of $3,800, and if, indeed, we are going to try to provide incentives for people to work, perhaps your eligibility standards are higher than they should be compared to some other State.

Let us take another State that has got a different system, take the people in the welfare rolls. By the time you take into account Federal stamps and Medicaid, they are up to $3,800. Now, it would seem discriminatory as between that State and your State for the Federal Goverment to help finance that excess over that poverty level if that is going to be our approach.

So, perhaps, in exchange for this $1,600 or, perhaps, it should be increased to $2,000, we might say, "We will make it $2,000 instead of $1,600 but don't count on the Federal Government for any matching on State supplements."

Governor LICHT. Well, now Senator, if you went to $2,000, and you permitted us to operate our own welfare program, again you would have one system in Rhode Island, you would have another system in Massachusetts. I do not want to be held to this, but I would think that the total figure in Massachusetts and Connecticut would be higher than the amounts that we pay for social welfare. You would have another system somewhere else. It looks to me that where we ought to go is to have a Federal plan which recognizes your Federal responsibility, as I think this purports to recognize.

You are going to get variations. The way it developed in Rhode Island, of course, it did not develop that way over night. It has been the area of increasing standards over a long period of time.

For example, the Federal Government now does not participate with us except once on special needs, and that is an emergency need, and those are very serious financial drains upon us. But the fact of the matter is that while it may be easy to say, "We are going to cut off," when the fuel is not there or when the lights are turned off, and they come in again and again and again, and the Federal Government only participates once we do provide the additional supplemental or emergency funds for special needs, and that may be different in other States.

We do not have a Federal or national plan with respect to these matters.

Senator MILLER. Well, believe me, I can only speak for myself, but I think the sentiment here is all for Federal standards on something like this.

But in achieving those Federal standards, I think we have to be careful that we do not permit a State Legislature which can go beyond that if they wish, they can take State money and appropriate it so there is a higher standard of living for people on welfare than some other States, and I question that the Federal Government ought to help participate in that if it goes beyond our Federal standards.

Governor LICHT. I do not want to persist in the dialogue because really there are other Governors, and I do not want to abuse my privilege here, but to respond quickly to that by saying if, in fact, the family assistance plan here was at a level higher than the $1600 and did not, for example, participate with us on the supplementation of 30 percent but on a higher basis, and if, in fact, the Federal Government did not require that the father be out of the house to participate in the supplementation at all, and if there was a meaningful participation with a look to the future for Federal takeover then, of course, we could see some meaningful results out of this bill.

But I cannot come down to this Finance Committee and say to you that I will support a bill—not that you need that from me—but what I am suggesting is that I cannot say that knowing what our welfare costs are, and knowing that when you put this bill into effect it is not going to be meaningful for Rhode Island at all.

Senator MILLER. I appreciate that response very much. You put your finger on one of the problems that several of us have here with the bill as it now stands.

Governor Hearnes, did I understand you in your statement to suggest that, looking down the road, payments on old age assistance might come from the Social Security System?

Governor HEARNES. This was the policy position of the National Governors' Conference from their Committee which is a counterpart of HEW, with the proviso that it not come from the Social Security actuarially, but supplemented by Federal general revenues, what we call general revenues.

Senator MILLER. In other words, what you are talking about are appropriations out of the general funds of the Treasury to Social Security to administer the funds.

Governor HEARNES. Yes, sir.

Senator MILLER. I think you made a statement which was to the effect that the present coverage of our welfare recipients, that that coverage ought to be, that the law with respect to that ought to work before adding to the coverage.

Governor HEARNES. Yes, sir.

Senator MILLER. But I understand the point made by HEW is that it is not going to work unless you expand the coverage to include the working poor.

Now, that is what troubles me about your statement. I think that offhand I would be inclined to agree with you that where we have so many people covered, now, let us see if we cannot make the law right with respect to them before we start adding on, and then I run into people from HEW saying that it is not going to work because you have got to cover the working poor, and that this is the heart of the Family Assistance Plan.

Governor HEARNES. Senator, I guess that is why they call Missouri the "show me" State. That is the only answer I can give you. I just cannot see why—I think theirs is an ideal which all of us would love to achieve, but it just seems to me that the commonsense, sort of pragmatic viewpoint would be that all of these doubts that have been raised could be erased if they started slowly and it was shown to everyone that it will work, that the work incentives, whatever we call them, and so on and so forth, are going to get these people off of welfare, and so on and so forth, that all of the things that have been promised will work, and also the money, we have got to always remember that, they could be wrong.

Every once in a while HEW is wrong. They could be wrong in the amount of money that they say that is necessary to finance this. I think that this type of experiment would show us, it would show Congress, as to the cost of the money, which is still a very important factor to the Senate and to the House.

Senator MILLER. Well, looking at the figures we have been presented with, I must say I am persuaded that if we are going to create an incentive to break out from the non-working employable population that some assistance to the working poor is indicated.

But speaking of "show me", I think this is the essence of the Ribicoff proposal, that they have a year of testing, and the Governors are all in favor of that.

Governor McCall, I believe you said to the Committee that the fiscal 1971 State costs should be a high-water mark, and after that let the Federal Government take care of the problem. This sounds reasonable offhand, until I think that there may be some States which might be called low-water mark States, and they are not doing anywhere what they can compared to other States.

So I wonder about making those States' present fiscal 1971 costs the high level for that.

Governor MCCALL. Senator, I was speaking simply as Governor of Oregon and saying what my position was insofar as the State was concerned and what the impact would be insofar as our State was concerned.

I was simply trying to give you an indigenous point of view that you would not have unless you had the Governor from Oregon here. I mean, I am going to leave that problem with you and leave it to the Senate to figure out.

Senator MILLER. All right.

Then you made a point which has troubled me, and that is over the earnings disregards. I suppose you are thinking of the $720 earnings disregard.

Now, it seems to me that to say to somebody who is not working, "Go on out and earn $1,000 and $720 of that is disregarded," that that is preferential over somebody who may be earning $4,000 and say here is a $4,720 disregard.

It seems to me to be another inequity which could arise where in Portland, for example, that $720 disregard for a person who is regularly employed making, say, $3000 a year, has transportation costs, bus costs, and things like that, say to him that $720 is disregarded, but to go out to a small town where he will walk to his job and say that $720 is disregarded, there is some inequity there.

Are you getting at that in your comments?

Governor MCCALL. Well, we simply on one point when we talked about $3720 in the supplementation there, it was our point that we ought to get as many people as possible up to the poverty level rather than having to have the supplementation go on beyond that and covering too broad a market, have the steep contribution to get them up to this level, not adequate, but it is a living kind of condition.

On the earnings disregard, we were simply saying that in our State the people in a family of four would have $6,022, including Medicaid, before they pinched out on the taxpayers' supplementation, and this was the point that seemed to me, since it was 91 percent of where our payments would go, this ought to be looked at so far as the State of Oregon is concerned. They are allowed to stay on starting at too high a level, allowed to stay with too much money to still be receiving a public subsidy.

Senator MILLER. I think your point is very well taken.

The last question I would like to direct to my own Governor.

You gave us some figures on the total ADC recipients now, and how many were forecast by HEW and how many your own Department of Social Welfare forecast. Could you give those to us again?

Governor RAY. Well, Senator Miller, we have approximately—I will give it to you rather accurately, 92,300 recipients presently.

Senator MILLER. These are ADC recipients?

Governor RAY. ADC, on ADC.

Senator MILLER. On ADC.

Does that include other welfare recipients?

Governor RAY. I am sorry, that is the total number, not just ADC.

Senator MILLER. Well, we have used those. The total number of welfare recipients in Iowa is 92,300.

Governor RAY. Presently.

Senator MILLER. How many did HEW indicate?

Governor RAY. They estimated 283,000.

Senator MILLER. And your own Department's estimate?

Governor RAY. 316,000.

Senator MILLER. 316,000.

The 92,300 are actual recipients?

Governor RAY. Right.

I might add that that has increased, or our ADC rolls have increased, by about 100 percent or double, they have doubled, in the past five years, so our experience is the same as, I think, the other Governors have experienced.

Senator MILLER. Now, we have 92,300 actual recipients in Iowa; HEW estimated 283,000 as being eligible. Do you have any idea of about how many of these 283,000 eligible would become actual recipients? I ask this question because this is one thing that has caused the Committee a great amount of concern.

We have been given figures on how many are actual welfare recipients, and then we get figures on how many would be eligible under this bill, and then we get estimates of how many of those eligible will, in fact, become recipients, and it is pretty fuzzy.

Do you have any idea of, for example, how many are eligible in Iowa now, of whom only 92,300 are recipients?

Governor RAY. This is part of what I mentioned earlier that I think little or almost no research has been done in this area. We do not know. Commissioner James Gilman of our Social Service Department, is sitting by me, and I would certainly like to refer the question to him.

I do not know how many would actually become recipients if this program were adopted, and we do not know how many are out in the field right now who could qualify today but who do not.

Mr. Gillman.

Mr. GILLMAN. Senator, it is my understanding that from a very small survey that we made in Iowa that about half of the people who are eligible for the ADC rolls today have not made application for them, for whatever reason. We do not know whether it is because they feel some punitive problem with ADC as a program or they object to being on welfare or they are able to survive on a very small amount of money at the present time or what the reasons are, but it would appear there are about half the people who are eligible for ADC are presently on our rolls.

Senator MILLER. Then, would you estimate on that basis that since we have roughly 283,000 eligible, of whom only 92,000 are recipients, that HEW estimate of 283,000 eligible, we have half of that, 140,000?

Mr. GILLMAN. Senator——

Senator MILLER. Yes, about 140,000 would be recipients?

Mr. GILLMAN. I think a lot of it will have to do with how the program is handled. If it is considered as, if the people accept it as, a welfare program, something they should not be on, something that is shameful to be on, not as Social Security, for instance, they won't go on. There will be numbers of people who won't go on.

In our State we had a situation which existed a year ago last February where we had to reduce our effort in the Title XIX program. We had approximately 18,000 people, these are total people of all ages, who were eligible for the medical only under the Title XIX program.

We had to cut the medical only off because of the expenditures we were running.

When we cut these 18,000 people off, 4,000 of those people immediately applied for old age assistance. They were not on old age assistance but were eligible for Medicaid, and when they were not longer available for medical assistance they just could not exist, and they applied for it.

They did not apply for it because they did not want to be known as someone having old age assistance. They looked on welfare as not being a way of life that they wanted to be involved in.

The point is that 4,000 of the 18,000, and that included all people of all ages, immediately went on old age assistance rolls within the next few months, which resulted in—which they had to do in order to get the medical assistance.

Now, they were forced in this case to do so, so we know there are lots of other people who were eligible for old age assistance at that point who simply were not choosing to take it, and we think the same thing is true here, and we think the same thing would be true of the working poor. There are a great many of the working poor who would not take it even if it were offered.

Senator MILLER. My time is up. I would like to ask one more question, just for a figure, Mr. Chairman.

Can you, Mr. Gillman, tell us how many in Iowa are presently eligible to receive food stamps and how many are actually receiving them?

Mr. GILLMAN. No, sir; I do not have that information with me. I did not come prepared to supply it. We have about 50 percent of our public aid people who are receiving food stamps presently. The exact number I do not know.

The CHAIRMAN. I would suggest, Senator, after we have made the rounds of the other

Senators, if you have not the information you would like, you might ask the Governor of your State to meet with you, and I will try to provide you with a reporter to get you the additional information you want for the record.

Senator Harris.

Senator HARRIS. Thank you.

I won't take up more time with questions. I will simply say to Governor Hearnes and the other Governors that we are pleased to have you here.

You have made a meaningful contribution to our consideration of this bill. I am particularly impressed with what I agree is the necessity of the Federalization, total Federalization, of this welfare program.

I do not believe you can bear up under the twin and increasing burdens of education and welfare. I think we need a uniform system, and if we are going to make the decisions here, and if there are not going to be residence requirements, I can agree with that decision, but if we are going to have decisions like that, why, it seems to me, there ought to be a Federal system.

Secondly, I would say that I am particularly impressed also with the suggestion made by Governor McCall, in particular, about the necessity of coupling in here expanded work opportunities. It won't do any good to talk about putting people to work when, as a matter of fact, we have got unemployment going up in the country and reduced numbers of jobs available to people.

So I think we really ought to be serious about that, the suggestions that have been made in this Committee and elsewhere in the Senate for expanding employment, and I think that needs to be done.

I appreciate very much what you all have had to say.

Governor HEARNES. Thank you.

Senator HARRIS. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Jordan.

Senator JORDAN. Thank you, Mr. Chairman.

Governor Hearnes, and Governors, I want to express my appreciation to you for the contribution you have made to our testimony here. I think it has been substantial and constructive.

First of all, the reports that came out from your Governors' Conference to the effect that the Governors' Conference endorsed the Family Assistance Plan, that they endorsed the present legislation, but by your own testimony it seems to me that you have as many misgivings about the present bill as do we as members of the Committee.

As I listened, and I listened very intently to all of your testimony, it seems to me I detected a common denominator running through all the testimony, No. 1, I think, we are all agreed, you are all agreed, that the present welfare system is very bad. We do need reform. I think that was the No. 1 characteristic of all of the testimony we heard.

The present rate of increases intolerable, some of you said, and statistics do bear that out.

Under the present system the rate of increase in the welfare load is going up at an intolerable rate.

Most of you said that we should move toward Federalization of the welfare program because of the need for uniformity and the fact that the Federal Government stays in the driver's seat and called the signals and gave the directions, that it should be Federalized. I call your attention to the fact that there is no provision in the present legislation that calls for a complete Federal takeover.

You have all agreed, I think, that the employables, however they are to be identified, should have no alternative but to work. I think several of you stressed that, that we must not completely discard the work ethic which has stood for the growth of this country for so many years.

I think you agreed, as I detect from your testimony, that we should have some trial runs on certain aspects of this legislation before its complete implementation. Governor Hearnes was especially vocal in this respect.

Now, some of you have said that, perhaps, we should go very slow and we should not implement the inclusion of the working poor at this time, but that we should concentrate on the existing caseload of people on relief to see what we could do there.

Several of you mentioned that we are going too fast too quickly, and since the time I was Governor and you are here today as Governors, I see that the general problems have not changed.

You said that Governors have many problems with HEW in the promulgation of the rules that they send out to you, and you find it very difficult to live within those rules, and sometimes you cannot find whether the rules are bottomed on the legislation—I do not think you said that, but I draw on my own experience for that.

I am not going to put any questions to you directly technically, but I would ask this, because I got the impression, as I said, that you do not altogether agree with the press accounts of your endorsement of the present legislation.

Governor Hearnes, could you tell me how many of your Governors would vote if they sat up on this side of the table for the House-passed legislation with full implementation now?

Governor HEARNES. Well, Senator, I think those who would read the bill would not be for it in its entirety.

It is a little unfair question to me to speak for all of them because immediately someone says, "Why are you speaking for me? I would," and so on and so forth, but I cannot believe that a Governor who has been Governor very long, who has wrestled and grappled and fought and clawed and everything else with the financial problems that we have in our State, and read the bill in its entirety, I do not believe would vote for the bill, as we see it, at this particular time.

Governor McCALL. Senator, may I speak on that?

Governor HEARNES. You see, he already said I was wrong, but you asked for my opinion.

Senator JORDAN. Yes. Governor McCall.

Governor McCALL. Mr. Chairman, we had a very concrete example which proved what you said is right, Governor, because we made an exhaustive analysis of it and talked to some other Governors in the West, and we are going to have a meeting in Sacramento on the weaknesses and deficiencies and miscalculations that were present in that bill, and we had every Governor, after he saw our release, say, "I wanted to send my team over there," and the President of the National Governors' Conference said, "Go ahead and make it 50 States," so I think on the bill that passed the House, very likely, as you say, Warren, a Governor who had a good look at it, probably every Governor, would not have accepted it for immediate implementation, and there were people who raised the first point, it was a great charge, that we were a stalking horse for Governor Reagan getting rid of Mr. Finch, which was not true at all.

We just did our homework and found out it had these deficiencies that were too great.

Senator JORDAN. I think you did your homework, it is evident here today, and it is a compliment to you for doing it.

Governor HEARNES. Senator, to sum it up, if you would have read the newspapers you would probably have been for it. If you read the bill, you probably would have been against it.

Senator JORDAN. That is a very succinct analysis.

Tell me then, and I will move on here, tell me then, most of you have agreed that you need some trial runs. Two of you have volunteered your States as guinea pigs for trial runs, and I suspect others would have suggested it if it occurred to them, and they would have made that offer.

Tell me, how many of you, if given a choice, would vote for it now and test it later, and how many of you would test it first and vote for it later

Governor HEARNES. Well, you know my position. I would test it first.

Senator JORDAN. And would go for it later?

Governor HEARNES. I do not know. That is according to how the testing goes, whether I would vote for it.

Senator JORDAN. Well, you would consider it later.

Governor HEARNES. Yes, sir.

Senator JORDAN. Who else wants to speak to that question?

Governor HOLTON. Senator, I would like to say——

Senator JORDAN. Governor Holton.

Governor HOLTON. I am Linwood Holton. I would vote for it if I were up there, and I have the only alternative you describe, that is the House-passed version or nothing else because it does have some of the incentives built in.

It does, I think, have the overall trend. It would help the overall trend of increasing costs to come down. In this area of aid to dependent children our experience between 1966 and 1970 was an increase of 176 percent under the present law. That is what I am worried about, that increase, that rate of increase, has got to be reduced, and I think that the House-passed version has those work incentives.

I am sorry Senator Talmadge has gone because I do not quite understand what he means by saying that the bill does not have work incentives.

It picks up new people, which I happen to think is proper. It picks up the working poor; it has a 50 percent tax as opposed to the present 100 percent tax on any private earnings. That would apply to any of the people who are not now employed, who are simply on welfare, and if they got into the workfare part and started making some earnings that incentive would apply to them.

For every dollar they earned from private sources, they would get 50 cents of it. Today they do not get any of it because it is taken right out of welfare.

Also I would not vote for putting it into effect pursuant to what I understand is Senator Ribicoff's amendment, and considering it later. I do not see that you are precluded, by passing it now, from considering it later.

You look at the test, and if you want to make the amendments, you can do it at that time.

I think, Senator, that it is critical that we get a bill. I am not willing to take any bill.

Senator JORDAN. I am glad you corrected that because you left that impression that you would take any bill.

Governor HOLTON. Well, Governor Hearnes said that; I want to correct that. I am not willing to take any bill. I do think the present bill, as passed by the House, and if you gentlemen could amend it further to provide more work incentives for those who are not presently employed, that is where your lack of incentive is, the only incentive there is is to register, and if you can figure out some way to create some incentive there for those who are able to work, then, fine.

But you are looking at a relatively small category because those who are able, according to the statistics, are small. Many of them are mothers. I think they would like to work. Their problem is day care centers and there you may want to beef that up some.

Governor LICHT. Senator——

Senator JORDAN. Yes.

Governor LICHT. I do not want to interrupt, of course. Implicit in your question is that we either have this bill or no bill at all.

I would like to believe that that is not the case. Moreover, I would like to take the position that the Governors have never supported, as I understand it, the President's proposal at the Governors' Conference.

The position of the Governors which they have taken, the position that I urge upon the Senate and the House, is that built into this bill should be a more realistic floor or ceiling, however you put it, plus an eventual recognition of a phased takeover by the Federal Government, and if you were to say to me, is this bill the bill you want, I, by all the best figures I can determine, feel that it would not be very meaningful or helpful to the State of Rhode Island, but I would not like to leave here suggesting there is no other alternative.

I would like to believe that the arguments that the Governors have made out of years of painful experience would make some kind of favorable impression upon you so that you would look towards a better floor, if there has to be one, and an eventual takeover.

Senator JORDAN. That is why we are getting your valued experience here. But the merits of this bill, as they came from the house, are so fragile that it won't stand another trip around the track, and if we have got to grab it and grab something now, maybe we had better take another look, but we had better test it before we implement it.

Governor HEARNES. Senator, Medicaid—I keep coming back to the same thing—is the best experience that a Governor could have had where Medicaid was rushed into, and then Congress wanted to take another look, and it is not as some would like to propose, that you can back up after a bill is in effect and people have had a taste of a certain part of welfare, to come back and say that you cannot have it any more.

I talked to Governor Rockefeller many times on the corrections he had to make in New York on this Medicaid provision, and it is just not that easy. I would rather for them not to have it than to have it and then take it way from them, is what I am trying to say.

Governor MCCALL. In answer, Senator, and Mr. Chairman, to your question, so far as Oregon is concerned with the suggestions we made for amendment, if those were met, and those problems were met, maybe not in the precise way we suggested, why, then, we would take a position we would vote for the bill.

But we are still saying we have enough doubts that were raised that, perhaps, the pilot experimentation plant might be a way of getting in so that we go in with our eyes open and move along instead of buying a pig in a poke. I am not sure.

Senator JORDAN. Of course, you understand our problem: if we went into conference incorporating every suggestion you made here, we still have got an adamant House dedicated to the bill they passed, so it is consequently going to end up with a compromise some place in between.

I have a signal that my time is up. I would like to hear from the Governor of Iowa, please.

Governor RAY. Senator, since I think your question was directed to all of us, I would like to comment by saying that I think all of us have had some catastrophic experiences with the Medicaid program, as Governor Hearnes says, but it was a new program.

Welfare is not a new program. We now all agree that the rate we are going at right now we are going to bankrupt the States, we are going down the wrong direction and it has to be turned around.

If we wait until we find a bill that is satisfactory in all respects in this complicated area to all of us, satisfactory to everyone, we will never have a bill, and it would seem to me that our purpose in appearing here and in our purpose in taking your time to listen to us is to find ways in which the bill which is before you might be altered or changed or modified so that it would be a workable bill.

I think all of us would agree, as the President, I think, has said, if it can be done on a trial basis this made some sense. But in any event, I think, it is terribly important that we start the change that comes about, whether it be through this bill or some other bill. This seems to be the one right now that has the momentum.

The CHAIRMAN. I would just like to document what Governor Hearnes said, he may not have the figures in mind, that Medicaid amendment was sold to us in 1965 on the theory that it would go to cost $238 million a year, that is Federal money, that would be the Federal costs.

This year, and mind you, every amendment we have put on there has been not to increase the costs but for the purpose of holding them down ever since that time, and this is the year 1970, and in this year the costs are $2,650,000,000, and the States are having to match that money. I see the Governor nodding.

Governor HEARNES. We do.

The CHAIRMAN. That is the kind of thing, if I were you as a Governor, I would sort of be careful about, and coming in here and asking for a program where it looks as though you are going to get some help, and by the time you get through you are having to match all of this, with the courts telling you, you are having to put people on the rolls you do not want to put on, where it is costing ten times what it is estimated to cost, even though we are trying to pass laws, trying to keep the costs down.

Senator Byrd.

Senator BYRD. Thank you, Mr. Chairman.

I want to join with the Committee in welcoming the Governors this morning.

I think it has been a most helpful session. I was most interested in Governor Hearnes' testimony and in the questions put by Senator Jordan. Many of the questions that Senator Jordan directed to the witnesses are questions which came to my mind, so I will not repeat them, but I would like to say to Governor Hearnes that his testimony is a breath of fresh air to the Senator from Virginia.

I have been listening to testimony on this bill before this Committee for four or five months, and I think Governor Hearnes is the only person who has ever mentioned the importance of the cost factor, and I think that is a vitally important factor.

Until this morning most witnesses considering this bill had neglected that aspect of the bill entirely. So, Governor Hearnes, I want to commend you for focusing attention on what I think is a vitally important factor.

I think it is well at this point that the record show that the Federal costs for welfare for fiscal 1970 were $4.4 billion. It is estimated by the Department of Health, Education and Welfare, that if this bill is enacted in its present form the costs for welfare, Federal costs for welfare, for fiscal 1972, will be $11.8 billion.

Now, the Senator from Virginia has not made a decision on this bill, and I am keeping uncommitted on it.

I think our present system must be changed, it is outdated, it needs to be modernized. But in any changes that we make I think it is very important that they be for the better and not for the worse, because this country must live for a long time with whatever legislation this Congress adopts in regard to welfare.

I was interested also to learn this morning that the Governors' Conference, as I understand it, did not specifically endorse H.R. 16311. I am correct in that, am I not, Governor Hearnes?

Governor HEARNES. Yes. Let the record show I am saying no, they did not. I am shaking my head and it is hard to show on the record.

Senator BYRD. I thank the distinguished Governor.

I notice that Governor Hearnes says on page four of his statement that workability of the entire new welfare program is still to be proved, and most certainly that is an accurate statement.

Then I think there is a great deal of merit, Governor, in your feeling that a testing period would be helpful, and after the testing period the legislation could be placed into effect if positive results are obtained.

As I understand it, you feel that before embarking on a program which the Secretary of Health, Education, and Welfare, Mr. Richardson stated before this Committee would be, is, both imaginative and costly; before doing that it would be well to have a pilot project and to do some testing to be certain that we are on sound ground; is that basically your position?

Governor HEARNES. Yes, sir; and I do not know how the test would be undertaken, but I would hope that it would be overseen by people who, either the staff of the Senate or the House—in other words, they have had tests from HEW which they said worked in other States, which I disagreed and said they would not work in my State, and yet they said it worked, so I am not up here as an anti-HEW, please don't get me wrong on that, Mr. Chairman.

I just believe there is a viewpoint in one place that is not always shared in another, is what I am trying to say in as nice a way as I can.

Senator BYRD. I want to say again that I have not made a decision on this bill. I want to work with the Committee.

We hope that some reasonable program could be developed to modernize our present welfare system. I think the testimony of the Governors this morning has been most helpful, and I thank you for being here.

I thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Gentlemen, I appreciate your statements here today. If this thing is to be tried, if we are to try this, or some alternatives to it, I believe it well to keep in mind that there are certain people who, in all probability, will do all they can to keep a good man from working.

We have the National Welfare Rights organization in here a year or so ago pulling a sit-down strike in this Committee room protesting against the proposal that people be asked to accept work or training, and I assume any plan whereby we try to put people to work will have their active effort to see that it does not work, to try to make it unpopular.

That group in some cities, such as mine, I am told, passed the word that people were not to be counted for census purposes and not to cooperate with the Census takers.

They would go all out for their program, I would assume. They will do whatever they can to defeat any effort to put welfare recipients to work.

But some of us are concerned about the proposed costs, in addition to the Senator, even though I must say it is not the $4 billion that shakes this Senator up as much as some of the alternatives.

For example, we will be offered a proposal to raise that $1600 to $3600. That would put 76 million Americans on the welfare rolls, and we will be offered the welfare rights proposal before this is over with to raise $1600 to $5500. I am told that would put approximately 70 percent of the people in the United States on the welfare rolls.

I would like to ask you Governors if you are in suport of those two proposals.

Governor HEARNES. Well, I might in 1973, Senator, I will be out of office then, but right now, no, sir. I do not think any—seriously, I do not believe any—Governor would be thinking in terms of those figures.

Governor RAY. I was just going to say, Mr.

Chairman, which might be digressing for a moment, that in our State we do have a requirement that mothers identify the fathers, but I just wanted you to know, being one who believes that daddies ought to support kiddies, if you have any proposed legislation that will help in this regard, I want to support it.

The CHAIRMAN. Thank you very much, gentlemen.

Well now, if any of you, as you may very well want to, would like to provide something to comment on or add to questions or answers that have appeared or have occurred to you while you were here, we will be glad to have that for the record.

I would like to point out that the last appearance of a panel from the Governors' Conference was on the tax reform bill which was on the proposal of taxing State and municipal bonds, and I think the first vote in the Committee was, I believe, a unanimous vote to go along with you, or almost unanimous, to accept the recommendation of the Governors' Conference in that regard. So that where the Conference was unanimous, I think you received an almost unanimous vote of approval of the Committee.

I do not think that you are completely unanimous in what you are recommending today, but I think you have given us some very fine ideas and some very fine suggestions, and we very much appreciate your appearance here today.

Mr. WILLIAMS of Delaware. Mr. President, I want to repeat again, that if these statements by the Governors constitute an endorsement of the family assistance plan, I hope they never try to endorse a bill of which I am a sponsor. There is no question that the Governors made very strong arguments against the bill. I would like to read excerpts from the testimony, and Senators can draw their own conclusions. When Governor Hearnes, who was chairman of the Governors Conference, was testifying before the Finance Committee he made the following statement in answer to a question by Senator JORDAN as to his position on H.R. 16311:

Governor HEARNES. Senator, to sum it up, if you would have read the newspapers you would probably have been for it. If you read the bill, you probably would have been against it.

Senator JORDAN. That is a very succinct analysis.

Tell me, then, and I will move on here, tell me then, most of you have agreed that you need some trial runs. Two of you have volunteered your States as guinea pigs for trial runs, and I suspect others would have suggested it if it occurred to them, and they would have made that offer.

Tell me, how many of you, if given a choice, would vote for it now and test it later, and how many of you would test it first and vote for it later?

Governor HEARNES. Well, you know my position. I would test it first.

Later, as appearing on page 3390 of the committee hearings there appears the following colloquy between Senator BYRD of Virginia and Governor Hearnes:

Senator BYRD. I was interested also to learn this morning that the Governors' Conference, as I understand it, did not specifically endorse H.R. 16311. I am correct in that, am I not, Governor Hearnes?

Governor HEARNES. Yes, Let record show I am saying no, they did not. I am shaking my head and it is hard to show on the record.

That is the so-called endorsement of the bill that the Senator from New York is explaining.

For example, I read from page 3380 and 3381 of the testimony of Goverors Hearnes and McCall in answer to questions by Senator JORDAN. If the Senator from Louisiana will yield for that purpose I would like to put this in the RECORD because I think it important that this record be clear.

The PRESIDING OFFICER. The Chair will entertain a unanimous-consent request.

Mr. WILLIAMS of Delaware. I shall read the testimony of these two Governors as appearing on pages 3280 and 3281 of the committee hearings:

Senator JORDAN. I am not going to put any questions to you directly technically, but I would ask this, because I got the impression, as I said, that you do not altogether agree with the press accounts of your endorsement of the present legislation.

Governor Hearnes, could you tell me how many of your Governors would vote if they sat up on this side of the table for the House-passed legislation with full implementation now?

Governor HEARNES. Well, Senator, I think those who would read the bill would not be for it in its entirety.

It is a little unfair question to me to speak for all of them because immediately someone says, "Why are you speaking for me? I would," and so on and so forth, but I cannot believe that a Governor who has been a Governor very long, who has wrestled and grappled and fought and clawed and everything else with the financial problems that we have in our State, and read the bill in its entirety, I do not believe would vote for the bill, as we see it, at this particular time.

Governor MCCALL. Senator, may I speak on that?

Governor HEARNES. You see, he already said I was wrong, but you asked for my opinion.

Senator JORDAN. Yes. Governor McCall.

Governor MCCALL. Mr. Chairman, we had a very concrete example which proved what you said is right, Governor, because we made an exhaustive analysis of it and talked to some other Governors in the West, and we are going to have a meeting in Sacramento on the weaknesses and deficiencies and miscalulations that were present in that bill, and we had every Governor, after he saw our release, say, "I wanted to send my team over there," and the President of the National Governors' Conference said, "Go ahead and make it 50 States," so I think on the bill that passed the House, very likely, as you say, Warren, a Governor who had a good look at it, probably every Governor, would not have accepted it for immediate implementation, and there were people who raised the first point, it was a great charge, that we were a stalking horse for Governor Reagan getting rid of Mr. Finch, which was not true at all.

We just did our homework and found out it had these deficiencies that were too great.

Senator JORDAN. I think you did your homework, it is evident here today, and it is a compliment to you for doing it.

I next quote from the testimony of the Governor of Rhode Island, Governor Licht, as appearing on page 3367. Senator MILLER had just asked him a question:

Governor LICHT. I do not want to persist in the dialogue because really there are other Governors, and I do not want to abuse my privilege here, but to respond quickly to that by saying if, in fact, the family assistance plan here was at a level higher than the $1600 and did not, for example, participate with us on the supplementation of 30 percent but on a higher basis, and if, in fact, the Federal Government did not require that the father be out of the house to participate in the supplementation at all, and if there was a meaningful participation with a look to the future for Federal takeover then, of course, we could see some meaningful results out of this bill.

But I cannot come down to this Finance Committee and say to you that I will support a bill—not that you need that from me—but what I am suggesting is that I cannot say that knowing what our welfare costs are, and knowing that when you put this bill into effect it is not going to be meaningful for Rhode Island at all.

Senator MILLER. I appreciate that response very much. You put your finger on one of the problems that several of us have here with the bill as it now stands.

I am reading some of the quotations of these Governors, and I strongly recommend that my friend from New York read the whole transcript because I think he will reach the same conclusion I did. If one just reads beyond press releases from the White House bragging about the measure and reads the bill he will reach a different conclusion. It is interesting that most of those who have read the bill are fearful that they cannot support it.

I quote further from the statement of Governor Hearnes. Governor Hearnes was the chairman of the Governor's Conference.

Mr. ELLENDER. Mr. President, I dislike to interrupt, but I wonder if the Senator would mind putting the marked copy into the RECORD. I did not know he was going to read it.

Mr. WILLIAMS of Delaware. Well, I can read these at another time. Rather than put it in the RECORD, I would like Senators to hear it. The statements of these Governors were certainly not an endorsement. I realize I am speaking on the time of the Senator from Louisiana, and he has been patient.

I ask unanimous consent that an article appearing in the Washington Post of Friday, September 11, 1970, entitled "Governors Wary of Nixon Welfare Bill" be printed in the RECORD.

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

[From the Washington Post, Sept. 11, 1970]

GOVERNORS WARY OF NIXON WELFARE BILL

(By Ken Ringle)

The chairman of the National Governor's Conference yesterday denied reports that the conference endorsed President Nixon's welfare programs.

Gov. Warren F. Hearnes of Missouri testified before the Senate Finance Committee at the last scheduled hearings on the Family Assistance Plan.

Committee Chairman Russell B. Long (D-La.) doesn't want to hold any more hearings on the FAP, because the Democrats plan to bring the bill to the Senate floor by Oct. 2. Other committee members want to hear more testimony, and there may be time after the scheduled Social Security hearings end Sept. 23.

Hearnes told the committee that the FAP "is a step toward the position supported by the governors" at their Lake of the Ozarks meeting last month, but said reports that the conference had endorsed the present FAP bill were incorrect.

WANTS UNIFORMITY

"Anyone who has read the bill all the way through would vote against it as it now stands," said Hearnes.

"It does not strike at the root of the problem, which is to try to bring about uniformity in application of the (welfare) laws and the rules so there can be equal treatment of the poor, irrespective of their geographic location.

"This can only be achieved by full federal financing and full federal direction."

Hearnes was flanked by Govs. Robert D. Ray of Iowa, Linwood Holton of Virginia, Frank Licht of Rhode Island and Tom McCall of Oregon, as he testified on the House-passed FAP bill, which President Nixon has called the most important piece of domestic legislation in his program.

The measure would generally provide for a minimum income of $1,600 for a family of four, standardize payment and eligibility procedures nationwide and provide "work incentives" requiring welfare recipients to register at an employment agency or sign up for vocational training as a condition to receiving aid.

HOLTON FOR IT

The governors, however, said the bill doesn't go far enough in any of those areas. Worst of all, they said, it continues to make the states partly responsible financially for programs over which they have no direct control.

The only governor urging passage of the present bill was Holton, who said "the rate of increase in the cost of the present welfare system . . . has the smaller cities against the financial wall."

The FAP bill, while not perfect in other respects, would at least relieve that "intolerable" situation, he said.

"I urge you to report out a bill; let us get something," he said. "We have no means to handle the financial bankruptcy of the cities."

The other governors, however, called first for stronger work incentives, an increase in the $1,600 minimum income and general caution in expanding the coverage of the plan too quickly.

Money the administration would spend to extend the welfare system to some 14 million additional persons, mostly the working poor, "could be used to better advantage in shoring up other aspects of the bill," Hearnes said.

"It occurs to me that the administration has simply picked a figure out of the air—some $4.1 billion—and attempts to compress too many major and costly reforms into this figure," he said.

Rhode Island's Licht, while calling welfare reform long overdue, was similarly skeptical about specifics of the Nixon plan.

"I must suggest," he said, "that to recognize a national responsibility without meaningful standards and without sufficient funding is simply to espouse another ideal without giving it substance and without assuming an obligation to carry it through."

"You seem to have as many misgivings about this bill as the members of this committee," said Sen. Everett B. Jordan (D-N.C.). "If the merits of this bill are so fragile it won't stand another trip around the track, then we better take another look at it."

Long questioned the governors on their feelings about including in the bill a provision he favors requiring unmarried mothers to name the fathers of their children.

Hearnes said the women sometimes cannot tell who the father is.

"It occurs to me," boomed Long, "that we could ask them for their best guess!"

Sen. Harry F. Byrd Jr., in a speech at his campaign kick-off last night in Richmond, expressed a number of misgivings about the Administration plan.

He said it should include more work incentives, expressed fear that the guaranteed income level would continually increase, said it would contribute to inflation and warned that it would add extensively to the number of families on welfare.

"I'm not yet convinced we can reverse the trend toward a welfare state by increasing the number of people on welfare . . .," he said.

Mr. WILLIAMS of Delaware. I also ask unanimous consent that a letter received by me today from Governor Ellington of Tennessee be printed in the RECORD.

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

TENNESSEE EXECUTIVE CHAMBER,
Nashville, September 8, 1970.

Hon. JOHN J. WILLIAMS,
U.S. Senator, Senate Office Building, Washington, D.C.

DEAR SENATOR WILLIAMS: I am enclosing herewith a copy of a brief analysis of the proposed Family Assistance Act (H.R. 16311), prepared by my staff in the Office of Urban and Federal Affairs, with the assistance of the Department of Public Welfare and the Department of Public Health.

Should this proposed Act be enacted in its present form it will have far-reaching effects on the budget and revenues of the State of Tennessee. As studies by many states confirm, the burden of these new demands would impose upon State financial resources is uncertain. Our analysis, likewise, has indicated that the probable additional cost to the State of Tennessee could range between $7 million and $20 million in the first year. We are disturbed that the ambiguities in the proposed programs preclude more precise analysis.

Your attention is directed to the discussion in the staff report of possible costs in the areas of medical assistance benefits, manpower training and employment services, and the adult assistance categories. It would seem that Congress might give attention to reinforcing the security clause of Section 502 to the effect that the Federal Government assume all of the states' future public assistance expenditures in excess of their Fiscal 1971 spending for those purposes.

You are aware, I am sure, that the legislation before you increases the responsibilities of the states while actually decreasing their participation in policy-making. If the Federal Government is to exercise more and more authority, it should, in our view, be willing to accept a commensurate portion of responsibility. I, therefore, continue to feel that the Federal Government should totally fund the public assistance system in the United States. The states cannot continue to be bound by criteria and standards which are established externally without due consultation. A public welfare system which diminishes the authority of the states while increasing our responsibilities is wholly unacceptable.

In light of the many uncertainties of the proposed legislation—which I understand are also of serious concern to other states which have evaluated the bill—it would seem to me that a two-year trial of the system in selected states would be more desirable than immediate implementation of the programs authorized by the proposed Act.

I trust that the attached report will be of assistance to you in your evaluation of the proposed welfare reforms and in your deliberations in committee and on the floor. If I can be of further assistance, please call on me.

Sincerely,

BUFORD ELLINGTON.

Mr. WILLIAMS of Delaware. I shall read just two paragraphs from the letter of the Governor of Tennessee.

Would the Senator from New York call this an endorsement?

Should this proposed Act be enacted in its present form it will have far-reaching effects on the budget and revenues of the State of Tennessee. As studies by many states confirm, the burden these new demands would impose upon State financial resources is uncertain. Our analysis, likewise, has indicated that the probable additional cost to the State of Tennessee could range between $7 million and $20 million in the first year. We are disturbed that the ambiguities in the proposed programs preclude more precise analysis.

The whole letter will be in the RECORD, but let me read this further paragraph:

In light of the many uncertainties of the proposed legislation—which I understand are also of serious concern to other states which have evaluated the bill—it would seem to me that a two-year trial of the system in selected states would be more desirable than immediate implementation of the programs authorized by the proposed Act.

This letter is by Governor Ellington, Governor of the State of Tennessee. I asked that it be printed in the RECORD in line with the suggestion made by the Senator from Louisiana, but I shall discuss it later.

I do not question the sincerity of the Senator from New York. I can understand his interest in the bill because it would bail the State of New York out of $60 million or $80 million of its cost of welfare. Perhaps from the standpoint of a relief bill for the State of New York it would be justified, but from the standpoint of the taxpayers as a whole I am not sure it is a good piece of legislation. I shall say more about that later.

Mr. JAVITS. Mr. President, will the Senator yield me 30 seconds to reply?

Mr. ELLENDER. I yield.

Mr. JAVITS. I rose to point out that the statements made by the Governors were not slashing criticisms. I made no statement of endorsement by New York or otherwise. New York and other States with enormous populations need relief in the welfare situation, which is essential to the welfare of the country, and I shall be glad to debate it and will not be deterred from debating the subject by the epithet of its being a New York endorsement.

Mr. WILLIAMS of Delaware. Mr. President, I wish we had more time on this. It is just beginning to get interesting. It is just as important as the farm bill, but I conclude at this time after pointing out one example. In New York State a family of four on welfare with no income would, if the bill is enacted as amended by the administration, have an income of $6,210. If the same individual gets a job in private employment and earns $7,000 a year he would end up with only $6,209 after taxes, or $1 less than if he had stayed on relief. On the other hand, if he worked a little less and reduced his earnings to $6,000 instead of $7,000 he could increase his income—cash, food stamps, and so forth—to just over $7,500. The less he works the more he has under this bill.

If that is called a work incentive program that is not the mathematics we use in our State.

One additional point, and I will conclude for tonight. The bill now before our committee would add 14 million more to

our welfare rolls, and it would more than double the cost of the present welfare system.

AGRICULTURAL ACT OF 1970

The Senate continued with the consideration of the bill (H.R. 18546) to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes.

Mr. ELLENDER. Mr. President, I have a prepared statement which I expect to read at this time. Before proceeding with the statement, I wish to point out that there are several typographical and clerical errors in the committee amendment. In addition, the Department of Agriculture has suggested that the 32-cent advance payment for corn be reduced proportionately if the required set-aside is less than 20 percent.

That was what was really intended by the Department and the committee, as I shall indicate by a memorandum I received from the Secretary of Agriculture. I send to the desk a series of amendments designed to correct these errors and make the change proposed by the Department.

I ask unanimous consent that these amendments to the committee amendment in the nature of a substitute be adopted en bloc, and that the committee amendment as thus amended be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, the amendments are considered and agreed to en bloc as requested.

Mr. Ellender's amendments, agreed to en bloc, are as follows:

On page 58, line 8, after "set-aside acreage" insert "or" required diversion".

On page 61, line 22, strike "ninety days later" and insert "within ninety days".

On page 63, line 20, strike "13" and insert "31".

On page 68, line 15, strike "the 1971 wheat program" and insert "each of the 1971 through 1973 wheat programs".

On page 68, line 20, strike "the 1971 crop of wheat" and insert "such program".

On page 68, line 24, strike "wheat" and insert "program".

On page 80, line 24, after the period, insert closing quotation marks.

On page 85, line 17, strike "403" and insert "404".

On page 91, line 2, after the period insert "The Secretary shall make not less than 50 per centum of any payments under this subsection to producers within sixty days following signup for the program."

On page 94, line 18, after the period add the following: "If the set-aside in effect under subsection (c) is less than twenty per centum of the feed grain base, the preliminary payment rate under this subsection shall be reduced proportionately."

On page 95, line 7, after "(1)" insert "the preceding sentence shall be inapplicable and".

On page 102, line 13, strike "or" and insert "on".

On page 108, line 23, strike "average" and insert "acreage".

On page 108, line 24, strike "(e)(4)(1)(A)" and insert "(e)(4)(A)".

On page 123, line 24, strike out "title" and insert "section".

Mr. ELLENDER. I ask unanimous consent to have printed in the RECORD the feed grain amendment as proposed by the Department of Agriculture, relating to the lower preliminary payment if diversion is less than 20 percent, together with the letter of transmittal signed by Mr. Clarence D. Palmby, Assistant Secretary.

There being no objection, the letter of transmittal and the proposed feed grain amendment were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C.

Hon. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry, U.S. Senate.

DEAR MR. CHAIRMAN: The proposed feed grain amendment relating to the lower preliminary payment if diversion is less than 20% along with an explanation of why this change is desirable are attached for your consideration.

Sincerely,

CLARENCE D. PALMBY,
Assistant Secretary.

PROPOSED FEED GRAIN AMENDMENT

There is a provision in both the bills H.R. 18546 as passed by the House and the Senate Agriculture Committees which requires the Secretary of Agriculture to make a full preliminary payment equal to the difference between $1.35 and the expected average price received by farmers during the first five months of the marketing year. This payment is to be guaranteed regardless of the size of the required set-aside.

This provision may not be in the best interest of sound legislation if because of changing conditions of feed grain supply and/or demand the Secretary of Agriculture did not require at least a 20 percent required set-aside. Under these conditions the payment per bushel for not producing feed grains would escalate rapidly and program participation would increase proportionately. Such increased participation would result in (1) more farmers diverting land which would have to be compensated by still lower diversion percentages and (2) a significant increase in program costs at a time when farmers were being ask to contribute less in terms of idling productive cropland.

The suggested amendment would allow the Secretary of Agriculture to reduce the preliminary payment in line with the diversion requirement if it is below 20 percent. This would not reduce the total price support guarantee of the difference between $1.35 and the average price received by farmers for corn during the first five months of the marketing year.

The suggested amendment is as follows:

On page 94, line 18, after the period add the following: "If the set-aside in effect under subsection (c) is less than twenty per centum of the feed grain base, the preliminary payment rate under this subsection may be reduced proportionately."

Mr. ELLENDER. Mr. President, the bill pending before the Senate provides for a farm price support and subsidy program. Just as postal subsidies and subsidies for education are designed to feed men's and women's minds, this bill is designed to feed and clothe their bodies.

We have had a farm program for some years now. Most Members of the Senate now serving were not here when the program which forms the basis of our present law, began in 1938. They did not have the actual and intimate experience which I had with the situation which brought it into existence.

Mr. President, I ask the indulgence of the Senate to permit me to summarize some of the events that led up to the act of 1938, and some of the successes which have flowed from its enactment.

I was elected a Senator from Louisiana in 1936. In that year, the Supreme Court declared unconstitutional the Agricultural Adjustment Act of 1933, which had been passed by the Congress at the request of President Roosevelt. It was necessary for the 75th Congress to enact new legislation.

Before Congress was able to start with the drafting of new legislation, efforts were made to have rehearings on the Supreme Court decision, but all such attempts were to no avail. When I came to the Senate in January of 1937, I asked to be placed on the Committee on Agriculture and Forestry, in the hope that I could assist in drafting a farm bill, to assist our producers.

At that time, Mr. President, I was informed by the then majority leader of the Senate, the late Senator Joseph Robinson from Arkansas, that the Committee on Agriculture and Forestry was a committee much in demand. At first he refused to put me on that committee; but after awhile, he finally consented.

Mr. President, this committee, as I have said, was one on which every new Senator, or even Senators who were serving, asked to be placed because of its importance. Since the 88th Congress, however, the Committee on Agriculture and Forestry has acted to reduce its membership from 17 to 15, and then from 15 to 13 members, in order to make the committee more active.

Mr. President, this committee is one of great importance, and we have before us today a very important bill. I urge Senators to read excerpts from the committee report appearing on pages 3, 4, 5, and 6, of Senate Report No. 91-1154, which in substance indicate the great progress that has been made in agriculture since the act of 1938 became law.

To show the committee's contribution I want to point out some of the important legislation that we have sponsored over the years.

On February 16, 1938, the Agricultural Adjustment Act of 1938 was enacted. It provided mandatory support at 52 to 75 percent of parity for corn, wheat, and cotton; permissive supports for others—CCC already had permissive authority under its charter—parity payments for corn, wheat, tobacco, cotton, and rice; marketing quotas for tobacco, corn, wheat, cotton, and rice; and established the Federal Crop Insurance Corporation. On April 3, 1941, the AAA of 1938 was amended to provide mandatory support for peanuts at 50 to 75 percent of parity. Later, the act of May 26, 1941, directed the CCC to make loans on 1941 crops of rice, tobacco, cotton, corn, and wheat at 85 percent of parity. On July 1, 1941, the Steagall amendment required support at not less than 85 percent of parity for nonbasic commodities for which expanded production was re-

quested. On December 26, 1941, the act of May 26, 1941, was amended to add peanuts and extend it to 1943 through 1946 crops. Later, on October 2, 1942, section 8(a) of Stabilization Act of 1942 directed CCC to make loans at 90 percent of parity for cotton, corn, wheat, rice, tobacco, and peanuts harvested after December 31, 1941, and before 2 years after the end of hostilities—effective through 1948 crops. Section 9 raised the Steagall amendment minimum support rate to 90 percent of parity and continued it for 2 years after the end of the war—until December 31, 1948. On June 30, 1944, this act increased support for cotton harvested after December 31, 1943, to 92½ percent of parity. The act of October 3, 1944, increased cotton support rate to 95 percent of parity for crops harvested after December 31, 1943, and planted prior to January 1, 1945. And on July 28, 1945, the act was amended to require support for fire-cured tobacco at 75 percent of the rate for Burley, and support for Virginia sun-cured at 66⅔ percent of the Burley rate.

POSTWAR YEARS, 1949–50

On July 3, 1948, the Agricultural Act of 1948 provided price support at 90 percent of parity for 1949 crops of basic commodities, corn, cotton, peanuts, rice, tobacco, wheat, and the 1949 production of the Steagall commodities, hogs, chickens, eggs, and milk. Provided price support on the 1949 production of the Steagall commodities, dry beans, dry peas, turkeys, soybeans, flaxseed, peanuts for oil, American-Egyptian cotton, potatoes, and sweet potatoes at not less than 60 percent of the parity or comparable price and not higher than the 1948 level. Provided price support for wool marketed through June 30, 1950, at 42.3 cents per pound. Provisions for subsequent crops of basics at 60 to 90 percent of parity was superseded by the 1949 act. On October 31, 1949, the Agricultural Act of 1949 provided support and for milk and butterfat at 75 to 90 percent of parity, minimum being fixed on basis of supply percentage. 1950 crops of basics were to be supported at 90 percent of parity if marketing quotas not disapproved. In effect, required support for wool at 90 percent of parity. Mandatory support for tung nuts, honey, and potatoes at 60 to 90 percent of parity and for milk and butterfat at 75 to 90 percent. On March 31, 1950, potato support prohibited unless marketing quotas in effect.

KOREAN WAR YEARS, 1951–54

During the Korean war supports were kept high to insure adequate supplies. Most of the stocks acquired by CCC from the 1948 and 1949 crops were sold. But for the next decade supplies were always to exceed demand and surpluses accumulated.

On June 30, 1952, section 106(a) of act of June 30, 1952, provided 90 percent of parity for the basics while title IV of Defense Production Act—price controls—was in effect—until April 30, 1953.

POST KOREA AND RECENT YEARS, 1955 TO DATE

On July 10, 1954, Public Law 480, 83d Congress, was enacted. On August 28, 1954, the Agricultural Act of 1954, providing flexible support—75 to 90—gradually went into effect for basics—82½ to 90 through 1955. Provided for set-asides which would not count in determining price support levels, but would count for allotments and quotas. Included Wool Act of 1954. Repealed authority for corn marketing quotas. On May 28, 1956, the Agricultural Act of 1956 provided for soil bank, consisting of acreage reserve and conservation reserve. On August 28, 1958, the Agricultural Act of 1958 permitted corn producers to vote out acreage allotments in November 25, 1958, referendum. Made price support mandatory for the other four feed grains relative to corn. Provided for choice "A" and "B" cotton programs for 1959 and 1960 under which lower support was made available to farmers choosing an increased allotment. Support levels gradually were decreased to 65 to 90 percent of parity. On March 22, 1961, the emergency 1961 feed-grain diversion program was adopted. On August 8, 1961, the Agricultural Act of 1961 provided for 1962 crops of wheat and feed grains aimed at diverting acreage. On September 27, 1962, the Food and Agriculture Act of 1962 continued the feed grain diversion program for 1963 and added barley. Beginning in 1964 the 55-million-acre minimum wheat allotment was abolished, and a marketing certificate program was provided for with marketing quotas. On May 20, 1963, the Feed Grain Act of 1963 provided acreage diversion program for 1964 and 1965 feed grain crops. On April 11, 1964, the Agricultural Act of 1964 provided for equalization payments on cotton to handlers or mills. Cotton farmers were to receive regular allotments and domestic allotments with additional price support on the domestic allotment. A voluntary wheat certificate program and land diversion program was provided for wheat. On November 3, 1965, the Food and Agriculture Act of 1965 extended voluntary wheat certificate program, provided for a cotton payment and diversion program with payments being made to farmers, extended the wool and feed grain programs, and provided for the cropland adjustment program. Provided for class I dairy program. Applied in general through 1969. Extended in 1968 to cover 1970.

The increase in production, Mr. President, has been phenomenal. I do not suppose there is an industry in our Nation that has made the progress that has been made by American agriculture. The facts and figures which appear in the committee report on the bill indicate this great progress.

As an example, in 1967, with 6 percent less land than was producing in 1958 and 1959, 20 percent more food was produced; and in 1969, with 46 million acres less than was planted in 1950, 30 percent more food was produced.

I am happy to come before this body and indicate the progress and the great strides that have been made in agriculture.

In 1935, we planted 336 million acres of land, and, using the productivity percentage base of 1957 to 1959, we produced 68 percent of what was produced in 1957 and 1959; but in 1964, we produced 111 percent of what was produced during the base period of 1957 to 1959, and in 1969 we produced 122 percent of production during the base period of 1957 to 1959.

Mr. President, that is indicative of what this law has done for agriculture. It is true that it has cost some money—quite a bit of money—but it has built a food factory and fiber factory equalled by none other in the world, and the Lord only knows what the food bill for this country would be, in these times, unless we had a sufficient amount of food on hand to supply all of our people with the proper diet and with sufficient fiber.

In addition to that, Mr. President, we have been able to assist many other nations in providing food and fiber for them under the Public Law 480 program; and that program is being renewed in this bill, together with other programs.

I wish to emphasize again, Mr. President, that I am very hopeful that Senators will take this report home and read it overnight or tomorrow, just to show the great progress that has been made in agriculture and what it means to the consumers of this country by way of better food and cheaper food, as I shall indicate in my prepared statement.

The need for adequate production of farm products is obvious. Humans may not live by bread alone, but without it they cannot live at all. Without adequate food and fiber they cannot think, cannot learn, cannot survive.

To provide food and fiber for all our people at reasonable prices, prices they can afford to pay, the farmer must produce a plentiful supply. To obtain this production, the farmer must be provided with adequate compensation and protection against surplus production. He must be able to pay for his seed, his implements, all the materials that go into production, including his hired labor as well as his own.

Agricultural production is divided among many producers. The more units each produces at any given price, the greater is his total return. The incentive for each is to produce as much as possible, so that without controls and with adequate production facilities, an unmanageable surplus is likely to be produced. Since individual farmers cannot control prices, such surpluses result in lower prices than are reasonable. Farmers use up their machinery, mine their farms, and migrate to the city; and soon production facilities are inadequate, prices to consumers rise, and many suffer hardship. Moreover, since farmers cannot control the elements and since consumers cannot afford a shortage, farm production must be planned so as to produce just a little too much. This little extra—which really assures the people of the Nation an abundance at reasonable prices—must either be stored or exported. Prior to 1961, surpluses gradually increased, and they were stored at tremendous costs to the taxpayer and were permitted to dangle over the market thereby depressing prices.

Without adequate compensation, farmers could not afford to continue to spend over $38 billion for goods and services

used in production and another $12 billion for food, clothing, and other consumer items. In 1966, farmers bought $4.9 billion worth of tractors, machinery, equipment, and motor vehicles. They spend over $4 billion yearly for fuel, lubricants, and maintenance of vehicles and machinery. Without these purchases, the general economy would suffer.

To look back a few years to see what can happen in the absence of a good farm program, realized net income of farmers declined from about $9.5 billion in 1919 to about $3.9 billion in 1921, then to $2.9 billion in 1931, and finally to $1.9 billion in 1932. Wheat sold for 32 cents a bushel in 1932 and cotton for 4.62 cents per pound. Beef cattle prices fell to 4.25 cents per pound, and hog prices to 3.34 cents per pound. Corn prices were at 29 cents per bushel. In 1929 came the stock market crash, which carried the Dow-Jones Industrial Index from 364.9 down to 62.7. Unemployment reached 4,639,000 in October 1930 and by early 1933 was more than 13 million. Exports declined from $5,241,000,000 in 1929 to $1,611,000,000 in 1932. Imports declined from $4,399,000,000 in 1929 to $1,323,000,000 in 1932. People no longer had the good things of life. Indeed, they no longer had the necessities. It was a time of suicides, breadlines, and general distress.

Out of that chaos came the farm program, the Federal Deposit Insurance Corporation, the Securities and Exchange Commission, minimum wages and 40-hour week legislation for most workers—except farmers—and other measures designed to restore the economy and prevent a repetition of that terrible debacle. During the thirties, under the ever-normal granary program, farm prices were supported, plentiful supplies were produced, and stocks were built up as the country gradually recovered from the depression. With the advent of World War II, these stocks were used up, and a combination of price supports and controls were used to keep prices to consumers down while obtaining expanded production and assuring farmers against sharp cuts in production and prices when the war should end. I am proud to say that I participated in the enactment of all these laws. The wartime consumer subsidy was $2.1 billion. After the war, stocks built up gradually to burdensome levels. In the sixties we were concerned with working off these stocks, taking land out of production, and cutting Government costs of carrying stocks.

In 1961, the carryover of feed grains had reached a total of 85 million tons. This is now down to a manageable 47 million tons. Wheat stocks totaled 1.4 billion bushels, now down to 880 million bushels. Cotton carryover in 1966 totaled 16.6 million bales, now down to 5.7 million bales. To reduce these supplies while still holding production in line with needs has been costly indeed. From July 1, 1961, through June 30, 1970, the cost of the wheat program, including the International Wheat Agreement, was $14.1 billion, the feed grain program $13.3 billion, and the cotton program $7.6 billion. These data are from "Reports of Financial Condition, Commodity Credit Corporation," and cover all costs including price support and related programs, Public Law 480, direct payments to producers, and CCC export credit sales.

Now that supplies are down, our objective is to minimize Government costs to assure adequate production, prevent the buildup of surplus, and maintain about 50 to 60 million acres of cropland in noncrop use so that they do not contribute to surplus production but are available when additional production is needed. These programs have worked so well that many now take a plentiful supply of food and clothing for granted and feel secure in the belief that another depression cannot occur. Many young people have never known shortages or depressions. They are only dimly aware that there are other countries which are perennially short of food or fiber or both, and which experience periods of feast and periods of famine. In 1969, the American consumer spent only 16.5 percent of his take home pay for food, while the West European spends 25 to 30 percent of his income for food, the Russian spends 45 to 50 percent, and the Asian pays 75 to 80 percent. I repeat, ours is 16.5 percent of the worker's take-home pay. Not only do Americans spend less of their income for food, but they eat much better than ever before. They eat 5.4 percent more livestock products, 42 percent more poultry, and 35 percent more beef than 10 years ago. To demonstrate how well the average worker has fared under the farm program during the past 23 years, we might consider the fact that from 1946 to 1969 prices received by farmers rose only 19 percent, while nonagricultural wage rates rose an estimated 231 percent. Of course, amounts received by processors and other middlemen also rose, but the total increase in retail food prices was still only 88 percent.

During this period, farmers have been doing poorly due entirely to circumstances beyond their control. Costs of production have been rising at an alarming rate. For example, while farm prices have increased only 19 percent since 1946, costs of production have increased 73 percent. A 30- to 39-horsepower tractor which in 1957–59 cost $2,920 now costs $3,950. A 50- to 59-horsepower tractor increased from $4,800 to $5,920. A 12-foot self-propelled combine that cost $6,320 in 1957–59 now costs $9,400. A cottonpicker, 2-row, self-propelled, increased from $16,680 to $23,900, and a 2-row cornpicker from $2,120 to $3,750. These are just some of the examples of increased costs, but there are many more.

The consumer is well off today, and he should realize that this is due, to a large extent, to the farm program. Supplies are plentiful. Prices are reasonable. Stocks are down to manageable levels. But if supports and controls were to be removed, we could return to the economics of the 1920's and 1930's. As I stated earlier, 50 to 60 million acres of cropland are now diverted by Government programs from production. Failure to extend the feed grain, cotton, and wheat programs would make most of this acreage immediately available for production. Government payments to farmers would be reduced by about $3.3 billion. This would represent about a 20 percent reduction in net realized farm income.

The bill before the Senate today is designed to prevent this from happening. It would provide programs for milk, wool, wheat, feed grain, cotton, extension of Public Law 480, and long-term land diversion for 1971 through 1973.

Mr. President, at this point, I ask unanimous consent to have printed in the RECORD some excerpts from the committee report, to which I referred a moment ago. I think it is very important that, before we make up our minds to criticize the farm program, we look at what this means to the American consumer.

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

AGRICULTURE'S CONTRIBUTION TO THE AMERICAN ECONOMY

It would be as difficult to exaggerate the impact of American agriculture on the American economy as it would be to describe fully its importance. American agriculture with its efficiency, increased production and productivity, advanced research efforts and contributions to the economy through export levels, labor use, purchasing power, and supply of raw materials must never be considered lightly. Farmers have always fed and clothed the American population, protected its resources, and looked ahead to the future. They have contributed toward feeding us less expensively and have allowed Americans to spend more of their take-home pay for luxuries they might never have afforded otherwise. Increased production levels have contributed greatly toward feeding hungry and malnourished Americans who would otherwise not be able to share in American abundance. Agriculture's contribution to American industry and to the American economy are extensive and certainly classify it as an industry of major importance to us all.

A picture of American industry would be bleak without the contributions of large volume purchases by farmers of goods and services. To produce crops and livestock, farmers spend over $38 billion a year for goods and services and another $12 billion a year for food, clothing, drugs, and other essential consumer items. Five percent of total yearly steel is purchased in the form of farm machinery, trucks, fencing, and building materials. Farm industry use of steel amounts to about one-third as much as that of the automotive industry. In 1966 primary metals industries spent $2.2 billion for equipment and new machinery, while farmers bought $4.9 billion worth of tractors, machinery, equipment, and motor vehicles. Farmers spend over $4 billion yearly for fuel, lubricants, and maintenance of vehicles and machinery, and use more petroleum products yearly than any other single U.S. industry. Yearly purchases of lime and fertilizer products run to slightly more than $2 billion. Of total rubber used in the United States, 7 percent—about 360 million pounds—is purchased by farmers. This is equivalent to the amount needed to put tires on 7.5 million automobiles. Two and one-half percent of the Nation's total yearly electricity production of 32 billion kilowatt-hours is used by farmers annually.

Farming as an industry employs more than 5 million workers. This figure represents more than the total number employed by transportation, public utilities, the steel industry and the automotive industries combined. An additional 3 million are paid as hired farmworkers. The increase in capital and mechanical inputs has freed valuable manpower to other vital and growing industries of the Nation and has created jobs outside agriculture itself.

Thirty percent of all jobs in private employment are agriculture related. Over 110,000 people are needed to produce farm equip-

ment and more than 40,000 jobs are required to produce steel in products for farm use. The storage, transportation, processing, and merchandising of farm products employed some 8 to 10 million people in 1968. Meat preparation, packaging, and poultry dressing employs nearly 300,000; their payroll is close to $2 billion. Almost 240,000 people are employed in the production of dairy products at an approximate payroll of $1.5 billion. Baking industry pay out about $2 billion to 275,000 employees. Industries for processing fruits and vegetables employ almost 190,000 people who earn a total combined salary of over $800 million. Six million more Americans have jobs providing the supplies farmers use for production and for their personal comforts. Without the raw materials supplied by U.S. farmers which help to generate new jobs and new businesses, industry would be at a near standstill.

Agriculture's contribution to the American economy has been enormous. As a consumer in 1969, agriculture spent $6,634 million for feed—twice what it did in 1950 and nearly one and one-half times the amount in 1960. Purchases of livestock ran to $4,174 million—more than double the 1950 figure. Over $2 billion worth of lime and fertilizers were purchased by farmers in 1969.

As taxpayers in 1969, farmers paid $2.3 billion in farm real estate taxes, $446 million for personal property taxes, $1.9 billion in Federal and State income taxes, and $350 million in sales taxes. Interest payments on farm mortgages were more than $1,600 million. Nearly $3,192 million was paid to almost 3 million hired farmworkers in 1969. About $1.3 billion was made in rent payments. The people employed either directly in agriculture production or in agriculture-related industry helped substantially to keep unemployment figures low.

In 1968 agriculture assets were $281 billion, the equivalent of about two-thirds of the value of capital assets of all corporations in the United States, or about half the market value of all corporation stocks on the New York Stock Exchange.

Agriculture plays a vital role in creating a favorable balance of trade. Production from 1 of every 5 acres harvested is exported, making the United States the world's largest exporter of farm products accounting for 20 percent of world agricultural trade. In fiscal year 1970, record commercial sales for dollars pushed total agricultural exports past the $6.6 billion mark. This represented only slightly less than one-fifth of total nonagricultural exports for the same period. Fiscal 1970 marked the first time a single market purchaser of American farm goods, in this case Japan, had bought over $1 billion worth of products in 1 year. Exports of animals and animal products totaled $773 million; animal fats and oils, $213 million; dairy products, $109 million; poultry, $55 million; fruits, $341 million; and foreign sales of grains reached $2,348 million. With exports totaling over $6.6 billion and imports at $5,481 million, a favorable balance of trade in agricultural products was achieved.

If the American citizen is not fully aware of the importance of agriculture to U.S. industry or of its generous contribution to the well-being of the American economy, he certainly should realize what benefits he reaps as a consumer of agricultural products. The increased efficiency and use of modern know-how in the production, harvesting, and marketing of food and fiber products means that the consumer spends a smaller percentage of his take-home pay for a higher quality and a wider variety of products than ever before. Over the years farmers have succeeded in using advanced chemical fertilizers, pesticides, modern labor- and cost-saving machinery and sophisticated livestock breeding techniques to increase production levels, increase yields per acre and increase meat and poultry production with smaller amounts of cropland and labor hour inputs. Today's farmer produces over 20 percent more on 6 percent fewer acres than he did in 1957–59. He produces food and fiber to meet the needs of an increasing population with fewer man-hours of labor and a smaller farm labor force.

In 1950, there were 152 million people in the United States. The farm population was 23,048,000—about 15.3 percent of the total population. Farmers fed and clothed them by harvesting 336 million acres with an input of 15,137 million man labor-hours. Total farm production for the period from 1947 to 1949 was 85 (using 1957–59=100 base). By 1960, with an input of 9,795 million labor hours on 317 million acres, output was 106. In that year, when the U.S. population was increased to 180.7 million, the number of farmworkers had dropped to 15,635,000—8.7 percent of the total population. By 1968, farm efficiency had risen to the point where 10½ million farmworkers—only 5.2 percent of the U.S. population of over 201 million—could produce on only 297 million acres with 6,998 million labor hours enough food and fiber for the Nation. Farm output had risen to 120. Land released from production because of higher per acre yields has been allowed to rest and regain its fertility. Much of this diverted acreage is now used for conservation purposes.

Efficiency of the U.S. farmer means that productivity of the American farmworker in the 1960's increased by 6 percent a year, while in other industries the figure was only 3 percent. One farmworker today produces food, fiber, and other farm products for himself and 44 other Americans. Today 1 hour of farm labor produces seven times as much food and other crops as it did 50 years ago. Production sufficient to feed over 200 million people today uses only one-third the amount of labor as was required to meet the needs of only 91.9 million people in 1910. Output per man-hour on the farm increased by 83 percent from 1957–59 to 1969.

A look at the increased efficiency of American agriculture over the years is more impressive still when compared with figures from other countries. In 1968, when only 5.2 percent of our population fed, clothed, and helped to house us; in Canada the figure was 11 percent; in Denmark, 15 percent; in France, 18 percent; in West Germany, 11 percent; in Japan, 24 percent; and in the U.S.S.R., 32 percent. The gap becomes even wider with the realization that none of these nations produces the abundance and the amount of export commodities we do.

These increases in production and improvements in production efficiency have been reflected in better buys for consumers at the supermarket. Between the base-period years of 1947–49 and 1969 when the price of all items on the cost-of-living index rose by 57 percent, such things as rent increased by 63 percent and medical costs increased by 124 percent. However, in that same period, food costs rose only 48 percent. In 1969 the American consumer spent only 16.5 percent of his take-home pay for food. That represents a substantial drop from 20 percent in 1960. The average customer in Western Europe spends 25–30 percent of his income for food; in the U.S.S.R. the figure is 45–50 percent; and in Asia the purchase of food takes 75–80 percent of per capita income. For 1 hour's factory labor Americans can now buy nearly two times as much steak, twice as much bacon, and almost twice the amount of milk as they could in 1948.

For his expenditures in 1969, the American consumer received food products of higher quality, higher nutritional value, and of a wider variety of processed and packaged forms than ever before. A higher standard of living combined with increased efficiency of marketing, packaging, and transportation methods allowed Americans to purchase preferred food items—5.4 percent more livestock products, 42 percent more poultry, and 35 percent more beef than 10 years ago.

Not only is there more food at lower prices, but the food is better. Extensive research and food processing innovations have given the consumer new food products of higher nutritional value. Genetic selection of livestock has produced leaner, more flavorful meats and higher milk production. Combined efforts of producers and the Federal Government insure that meat, poultry, and dairy products will be inspected and graded and sold with a guarantee of purity.

Much of consumer benefit is a result of agricultural research. Work with fiber processing has produced cottons that are wash and wear and wrinkle resistant. Many wools can now be machine washed. These developments not only save the consumer money on cleaning bills, but also save him time. Newly developed farm equipment now picks fruits and vegetables faster, cutting production costs. New machinery frees labor and reduces damage to crops at the harvest stage thereby reducing wastes and yielding higher production levels. Research in irrigation and conservation practices help to preserve America's natural resources and increase effective use of much potential cropland.

Increased production has meant abundances of food products with which we can support food programs to help needy Americans. The school lunch, school milk, direct distribution, and food stamp programs are only some of many projects which are feeding and nourishing millions of American children and adults. Abundant production has enabled us to build essential reserves which can be called upon in case of emergency.

COMMITTEE CONSIDERATION

The committee held hearings on February 18, 19, 20, 23, 24, 25, and 26, and on March 23, 1970, and these hearings have been printed. As soon as H.R. 18546 was passed by the House of Representatives, the committee had its staff prepare an analysis of that bill; and on August 19, 20, and 25 the Secretary of Agriculture with other officials of that Department discussed the implications of that bill with the committee. The committee held further executive sessions on August 26, 27, and 28, and reported the bill with its recommendations on that date.

The purpose of the farm program is to provide consumers with adequate supplies on a continuous basis at fair prices. We cannot afford to have too little food or fiber, with attendant scarcities and high prices. Nor can we afford to build up large surplus supplies, which are expensive to carry and result in prices too low to support a healthy agricultural economy. When the Food and Agriculture Act of 1965 was enacted, we were faced with burdensome surpluses. During the past years we have reduced these surpluses to manageable levels, and in some cases to levels somewhat lower than may be desirable. The principal objective of the program at the present time should be to provide adequate production; but in seeking to achieve this objective we must be aware that the world situation and technology can change, and that the buildup of excessive supplies must be avoided. The committee is well aware of the surpluses during the depression, the shortages during World War II, and the buildup and disposal of surpluses following that war.

The bill as passed by the House provides for a set-aside of cropland by wheat, feed grain, and cotton producers in return for payments. Wheat and feed grain producers would not be required to plant in order to qualify for payments, nor would the production of those commodities necessarily be subject to any control, as in the past. Loan levels could be reduced without commensurate increases in payments. The emphasis is on taking land out of production, rather than on production, leaving each farmer free to

decide what he will plant without any minimum statutory price guarantee. There is no assurance that adequate supplies would be produced or that surplus supplies would not be produced.

The committee felt that some specific guarantees and some controls were essential to assure adequate but not excessive supplies, and to maintain a healthy farm economy. The difference in approach between the House bill and the committee amendment are further set out in the following exchange of correspondence.

Mr. ELLENDER. Now, Mr. President, I propose to discuss the various programs.

MILK

With respect to milk, it would extend the authority for class I base plans permanently; make it easier for new producers to obtain bases; and make it possible for old producers to share in market expansion. Under these plans, producers are apportioned shares of the market for the higher priced fluid consumption milk on the basis of their marketings of milk during a past representative period. This permits producers to cut down their production of lower value milk, avoid production of surplus, and increase their income per hundredweight produced. The authority for seasonal base plans would be clarified by restricting it specifically to the objective of encouraging seasonal production adjustments and providing specifically for so-called Louisville plans, under which handler payments are accumulated during one period for disbursement in another. Class I base plans would have to be approved by individual voting, as at present, while seasonal plans could be approved through bloc voting, as they were prior to passage of the 1965 act.

In addition, the bill would suspend mandatory price support for butterfat through March 31, 1974, thereby permitting adjustment of the Government's purchase prices for the various products of milk; extend the Armed Forces milk program through 1973, and extend the milk indemnity program through fiscal 1973. The last-mentioned program would also be extended to manufacturers of dairy products.

WOOL AND MOHAIR

The wool and mohair programs would be extended through 1973 with the incentive price fixed for wool at 72 cents per pound and for mohair at 80.2 cents per pound. These are the same as those fixed under existing law for 1970. These prices would not be increased, as now provided, to reflect increases in the parity index.

WHEAT

In the case of wheat, the 1965 act would be extended for 1971 with modifications to provide for a minimum loan level of $1.25 per bushel—the level which has been in effect for several years—to require that loans be available on wheat stored at the farm, and that such loans be renewed to the extent consistent with the efficient conduct of the program; and to require payment within 60 days of signup of not less than 50 percent of any payments due under the program.

For 1972 and 1973, wheat producers could choose between the program just described and a new so-called set-aside program. The principal difference between the 1965 act, as extended for 1971, and the set-aside program would appear to be as follows:

First, under the set-aside program the Secretary would have complete authority to fix farm acreage allotments at any level he saw fit, or to allow farmers to plant all the wheat they wished. At present, acreage allotments must be fixed in accordance with a formula prescribed by law and must be large enough to provide a minimum production of 1 billion bushels of wheat.

Second, the face value of marketing certificates would equal the difference between parity and the average price received by farmers for the first 5 months of the marketing year. Seventy-five percent of the estimated face value of these certificates would be payable within 60 days after signup. At present, the face value of certificates is equal to the difference between parity and the loan level and there is no provision for advance payments. Under the 1965 act, as extended by the bill to 1971, the advance payment would be not less than 50 percent of the face value of the certificate.

Third, farmers would not have to plant wheat to qualify for payments, but would have to plant at least 90 percent of their domestic allotments to avoid loss of acreage history.

Under the set-aside program, each farm would receive a domestic acreage allotment entitling it to receive approximately the same number of marketing certificates that it receives today on the basis of its wheat marketing allocation. Price support loans would be available at not less than $1.25 per bushel. To qualify for loans and payments, the producer would be required to set aside an acreage equal to up to 75 percent of the farm domestic acreage allotment and devote such acreage to conserving use. Using the same yields as those used in computing the 1971 acreage allotment, this would mean a maximum required set-aside of about 14.5 million acres. This compares with a required set-aside under section 339 of the Agricultural Adjustment Act of 1938 for the 1971 crop of about 15.8 million acres. Having made this set-aside, the producer could plant all of the remaining cropland on his farm to wheat if he saw fit, unless the Secretary imposes an acreage limitation at a level to be fixed by him. Under existing law, producers must comply with their shares of a national acreage allotment of 43.5 million to qualify for price supports and payments in 1971. Under the bill the allotment would be entirely subject to the discretion of the Secretary. The Secretary could, under either the bill or existing law, provide for additional diversion for pay.

FEED GRAINS

The feed grain provisions of the bill differ from those of the 1965 act principally in the following respects:

First, producers could plant all the corn, sorghum, and barley they desired unless the Secretary imposed an acreage limitation, and in that case the amount that could be planted by program participants would be fixed at the discretion of the Secretary. Under existing law participants are restricted to their base acreage minus any diversion, and the amount of diversion required for participation in the program is left to the discretion of the Secretary.

Second, barley would be required to be included in the payment as well as loan provisions of the program.

Third, the planting of feed grains would not be required as a condition of payment, but producers would have to plant at least 45 percent of the farm base acreage to maintain their acreage history.

Fourth, price support would not be related to parity, but the loan level could not be less than $1 per bushel and the payment rate could not be less than the larger of 32 cents or $1.35 per bushel less the average price received by farmers during the first 5 months of the marketing year. Thirty-two cents of this payment would have to be paid within 60 days of signup. If the set-aside requirement should be less than 20 percent, this 32-cent minimum payment would be reduced proportionately.

UPLAND COTTON

The cotton provisions of the bill would differ from the provisions of the currently effective law in the following respects:

First, the minimum national acreage allotment would be reduced from 16 million acres—plus a national reserve of 310,000 acres—to 14.5 million acres.

The national allotment could, of course, be above the minimum if conditions so required, as it is this year. In addition, if the Secretary determined such action to be necessary to provide an adequate supply of cotton, he could increase each farm acreage allotment by up to 12½ percent and could apportion additional acreage up to 25 percent of the national allotment in such manner as he deemed appropriate to assure an adequate supply. When we passed the Food and Agriculture Act of 1965, our carryover for August 1, 1965, had been over 14 million bales and we were headed toward a carryover on August 1, 1966, of about 16.6 million bales. We had too much, and our problem was to bring these supplies down to reasonable levels. That law has been so effective that our carryover on August 1 of the current year had been reduced to about 5.7 million bales. Now our problem is to assure adequate supplies without again building up a surplus.

Second, as under the 1965 act, the bill provides for a set-aside of up to 12.5 percent of each farm acreage allotment as required by the Secretary. However, under the 1965 act this acreage had to be diverted from cotton, while under the bill it must be diverted to conserving uses, but not necessarily from cotton if the Secretary so decides. We are no longer as concerned about reducing cotton acreage. Now the set-aside represents the cotton producer's contribution to a general reduction in acreage cropped.

I may say in passing that in addition to the 12.5 percent set aside, we have reduced the minimum acreage by 1.5 million acres from the 16 million acre minimum provided in the law, plus a reduc-

tion of the 310,000 acres that the Secretary is now able to use in order to adjust acreage among farmers. So, there has been an actual reduction in acreage for the cotton farmers of about 1,800,000 acres plus the 12.5 percent I have just indicated of the base acreage of 14.5 million acres.

Third, the bill provides for a minimum national base acreage allotment of 14.5 million acres minus a percentage thereof equal to the set-aside percentage. If the maximum set-aside of 12.5 percent were required, this would mean an absolute minimum national base acreage allotment of about 12.7 million acres. This allotment would form the basis for payments and corresponds to the domestic allotment provided for by the 1965 act. For 1970 the domestic allotment was 11.1 million acres.

Under existing law, the national acreage allotment is apportioned to States, counties, and farms, and the farm domestic allotment is a uniform percentage of the farm acreage allotment. Under the bill the national base acreage allotment is apportioned to States, counties, and farms in a similar manner; and the farm acreage allotment is a uniform percentage of the farm base acreage allotment.

Fourth, the price support loan level under the bill would reflect for Middling one-inch cotton, 90 percent of the average world price for such cotton for the 2-year period ending July 31 of the year preceding that in which the crop is produced. If prices in either of such years are excessive, the Secretary is required to make such adjustments as are necessary to keep U.S. cotton competitive and retain an adequate share of the world market for such cotton. The loan would be redeemable for 1 year.

Fifth, payments would be made at a rate equal to the difference between the loan level and the higher of 35 cents, or 65 percent of parity, but in no event less than 15 cents a pound. Small farmers, those with allotments of 10 acres or less or a total average yield of 3,600 pounds or less and incomes of less than $5,000 on farm and $2,000 off farm, would have their payments increased by 30 percent. This is a little less than the payment made to such farmers at 25 percent of parity on 35 percent of their allotments for the 1966 through 1970 crops under section 103(d)(4) of the 1949 act as amended by the 1965 act. Under that act small farmers were not required to plant in order to obtain their payment. Under the committee bill they would have to plant in order to qualify for the payment. There was no income limitation on the payments provided for in the 1965 act, so the bill represents a refinement in this regard. It is designed to provide some assistance for poor farmers who are still cultivating small acreages. We would like to keep these people on the farm where they have grown up and have their roots. We want to keep them off relief, and keep them from being forced into the cities for which they are not adapted and where they will add to our urban problems. These acreages are too small to be efficient or to mechanize, and no new farmers would be attempting to go into farming with this type of allotment.

Sixth, the Commodity Credit Corporation would be authorized to use for cotton development and promotion up to $10 million of the funds which would be paid to cotton producers but for the payment limitation. The Corporation would act through the Cotton Board established under the Cotton Research and Promotion Act and enter into agreements with the contracting organization specified pursuant to section 7(g) of that act. Expenditures under this provision of the bill would supplement the funds put up by the cotton producers themselves under the Promotion Act, which aggregates about $10 million annually.

PAYMENT LIMITATION

I have discussed the wheat, feed grain, and cotton programs provided for by the bill. I have also discussed the need for these programs. They are designed to regulate the many diverse units of agricultural production so as to provide the consumer with a continuous supply of food and fiber at reasonable prices, maintain a sound agricultural plant, and preserve the health of the national economy. These programs are subsidy programs. Payments are used to make them work, and where large producers are involved large payments have been made. These payments regulate the use of land. They are made to keep land out of production so that we will not be faced with burdensome surpluses and low prices which are destructive of both large and small farmers. They are made to obtain adequate production and to keep prices down so that our citizens will be able to afford and obtain adequate food and clothing. Another point on payments which is often overlooked is that our price support loan levels are generally set at world market price levels so that we can export our surplus production. Without payments, prices would have to be increased, the surpluses which cost so much to dispose of would plague us again, the farm economy and the national economy would suffer, our agricultural and industrial plant would deteriorate, and consumer supplies and prices would eventually be adversely affected. Preventing payments from being made could, therefore, have the effect of putting a monkey wrench in the machinery.

There has, however, been considerable objection to some large payments under the program, and the bill does contain a provision limiting payments per person per crop of wheat, feed grains, and cotton to $55,000. This provision has been given extensive consideration by the House of Representatives, the Department of Agriculture, and the committee. The committee has not changed it in any material respect from the manner in which it passed the House. While a $50,000 price support limitation contained in Agricultural Appropriation Act of 1960 was found to create many problems and consequently was not extended, the committee believes that the provision in the bill will be workable, will remove the objections which have been made to the program, and will not prevent the program from achieving its objective.

Mr. President, in passing I wish to say that insofar as I am concerned personally I have always fought for a sound farm program and opposed any feature that would curtail its effectiveness. The purpose of the program has been to reduce acres and whether those acres were taken from small farms or large farms made no difference. I was voted down and I am now willing to support the $55,000 limitation on payments if that is necessary to obtain a good farm bill that will protect our farmers and our consumers.

PUBLIC LAW 480

The bill would extend Public Law 480, 83d Congress, through December 31, 1973. This is the law under which we sell agricultural commodities and products for foreign currencies or on long-term credit, or donate such commodities for foreign relief.

The bill would permit the alcoholic beverage industry to participate in trade development under that law and increase the availability of foreign currencies under that law for educational and cultural exchange.

GENERAL AND MISCELLANEOUS

Title VIII of the bill contains a number of general and miscellaneous provisions. It would enlarge the cropland conversion program under which acreage is retired for up to 10 years; extend the exemption of peanuts for boiling from marketing quotas; authorize permanent surrender of allotments; permit forage to be harvested and stockpiled under diversion and set-aside programs; and authorize the Secretary to undertake a program to help low-income cotton, wheat, or feed grain farmers to adjust to nonagricultural pursuits. Such program could provide for the sale to the Secretary of acreage allotments and base acreages.

RURAL DEVELOPMENT

Title IX of the bill deals with rural development. It commits Congress to a sound rural-urban balance, and provides for annual reports on planning assistance, technical assistance, and Government services and utilities, and provides for a report on or before July 1, 1971, on financial assistance.

I must say that this latter title, title IX, is similar to a provision that the Senate has enacted during two previous Congresses. We have proposed this provision to the House, but, the House has to date refused to even consider it. We have added it to the bill in a form which I do not believe the House will refuse to go along with, because it does not involve the expenditure of any money, but merely provides for a report to see how best we could aid in planning so as to retain farmworkers and people on the farm.

Mr. President, this concludes my remarks. I am very hopeful that copies of these remarks will be placed on the desks of Senator so that Senators will have them available tomorrow. Those copies contain the address I have just delivered.

Again, I urge Senators to read that part of the report which I placed in the RECORD. It is very illuminating. It clearly indicates the success that has been made of the farm program and of the importance of keeping such a program for the future. In this way we can con-

tinue to provide sufficient food and fiber to take care of our own population as well as many underprivileged people throughout the world.

I am very hopeful that Senators will read the statement and consider the bill and that we can have it enacted without too much delay. There is some difference between the provisions in the House bill and the Senate version. I am hopeful that we can soon get together with the House conferees and work out a bill that is acceptable to all concerned.

Mr. President, I yield the floor.

Mr. YOUNG of North Dakota. Mr. President, I have listened with great interest to another fine speech by the distinguished chairman of the Senate Committee on Agriculture and Forestry. He has worked tirelessly and effectively for farm programs and for farmers for over 33 years. The farmers of this Nation owe him a great debt of gratitude for the fine work he has done for them.

I was a farmer in the depression years that the Senator from Louisiana talked about in the early part of his speech. I farmed all through the depression and went broke along with the rest of the farmers. When it was through, I owed more than I was worth. I borrowed all the money I could from the Federal Government through feed and seed loans.

When prosperity returned to agriculture—only because of farm legislation—I was able to pay back the feed and seed loans but when I did, the interest payments exceeded the principal. I for one know at first hand, the real need of the farm price support programs.

Mr. President, the pending farm legislation has a broad impact that reaches far beyond farmers themselves. Almost every segment of our economy is directly or indirectly affected by farm price support legislation because it has a direct bearing on what future farm income will be.

It has a very direct impact on farmers and those closely associated with them in all rural America which comprises approximately one-fourth of our total population. While farmers represent a small and decreasing percentage of our population, farming is still our biggest industry. In my own State of North Dakota, more than 80 percent of our total income is from the sale of farm commodities. Even in highly industrialized Ohio, agriculture is still their biggest industry.

Farmers still use more steel, petroleum products, rubber, and chemicals, including fertilizer, than any other segment of our economy. Thirty percent of all private employment in the Nation is agriculturally related.

Farmers have a huge investment and much of it is borrowed money. Total farm indebtedness today is more than $58 billion—higher than at any time in history. And at the highest interest rates in more than a quarter of a century.

Farmers, more than any other segment of our economy, have invested heavily to become efficient, low-cost producers. Consumers today spend only 16½ percent of their disposable income for food. This is the lowest in our history or the history of any other nation.

Because of their hard work and efficiency, farmers are producing far more food and fiber than can be consumed in this country. While providing these abundant supplies of food and fiber at low cost to our consumers, we are still able to export farm commodities in excess of $6.5 billion a year.

The increasing export of farm commodities has made a tremendous contribution to a favorable balance of trade with the rest of the world. Farm exports far exceed those of any other industry.

Mr. President, much more should and needs to be said about the importance of farming and the need for a healthy agriculture and a prosperous nation. Farm depressions in the past have always led to national depressions and this certainly would be the case again if agriculture were bankrupt.

I will confine the rest of my comments to the pending farm bill and the necessity for it in order for agriculture to survive and continue to make its great contribution to society.

Certainly, this is no time to reduce farm income. And this is exactly what the House-passed farm bill would do for most segments of agriculture. While the Senate bill is not all that it should be, it is a great improvement over the House bill. Of the more than 30 general farm organizations and farm commodity groups, not a single one, to my knowledge, is supporting the House-passed bill. All but one or two of these organizations would much prefer the Senate bill over the House bill. They are urgently requesting that the Senate itself provide greater price assurances to farmers than is contained in either the House or Senate agriculture bills.

Both the House-passed bill and the pending bill before the Senate would extend Public Law 480 with some minor amendments. This food and peace program has widespread approval and support.

The dairy section of the House bill, with some minor Senate Committee changes, is acceptable to the dairy industry.

The wool section of the House bill, unchanged by the Senate Committee, meets with the approval of the wool growers.

Mr. President, the feed grain section of this farm bill, as modified by the Senate Agriculture Committee, still leaves much to be desired. It is much more acceptable than either the wheat or cotton sections of the House bill. It is a complicated program and very difficult to understand—and it gives unprecedented discretionary authority to the Secretary of Agriculture. I doubt if more than half a dozen Members of the Senate would even attempt to explain its provisions to a farm audience. I certainly would be very reluctant to do so. The income assurance it provides would not be very different from the present program—that is, if the Secretary of Agriculture used good judgment in exercising his unlimited discretionary authority.

With price supports in the House bill set at from zero to 90 percent of parity for feed grains and zero to 100 percent for wheat, a secretary could virtually eliminate price supports entirely. All of the farm organizations, with possibly one exception, would prefer to keep the present program with some improvements. That is my feeling.

Mr. President, I do not claim to be an authority on cotton legislation but, from the study I have made of it, and the views expressed by Members of the Senate who are from cotton-producing States who are familiar with cotton legislation, I believe the House-passed bill would be disastrous to the cotton industry. The cotton provision in the Senate bill is not perfect, but I believe it should be retained by the Senate and that any changes that are necessary can be made in conference with the House.

While the House-passed wheat section has some good provisions, it is still unacceptable. The position taken by Secretary of Agriculture Clifford Hardin with respect to wheat price supports is equally unacceptable.

Secretary Hardin told the Senate Agriculture Committee that under the provisions of the wheat section in the House-passed bill, he would reduce wheat price supports from the present $1.25 a bushel to $1.15 a bushel.

In his testimony before the Senate Agriculture Committee, and in a letter addressed to the chairman, Secretary Hardin made it clear that he wants to lower wheat prices so that United States wheat would be more competitive in world markets. To make certain that we would have lower wheat prices, he combines lower price supports with a plan for even greater production of wheat. According to the charts the Secretary presented to our committee, wheat production next year, under the House-passed bill, is estimated at 1,525,000,000 bushels.

This would be at least 150 to 200 million bushels above the present level. Because of many uncertainties in the new set-aside provision, wheat production could go far beyond this. This production would considerably exceed what can be consumed in this country and sold abroad. Thus, the surplus that would be created would make certain that cash wheat prices would be forced even lower.

For the past 2 years the average price received by farmers for wheat was $1.24 a bushel. Mr. President, you have to go way back to 1942 to find an average farm wheat price as low as this. During the period from 1950 to 1960, including 7 years of the Eisenhower administration, the average farm price for what was $1.97½ a bushel.

Mr. President, I ask unanimous consent to have a table containing figures provided by the U.S. Department of Agriculture giving the average price received by farmers for wheat each year since 1940 included at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. YOUNG of North Dakota. Mr. President, few, if any, farmers can profitably produce wheat for the present $1.24 a bushel. The only reason they are able to survive financially at all is because of the wheat certificate payments.

One of the biggest and most efficient wheat producers in the United States,

and probably in the world, is the Campbell Farming Corp., in Montana. They have a huge operation of approximately 40,000 acres involving the production of both wheat and barley.

In a letter from them dated August 26, 1970, to Senator ELLENDER and other members of the Senate Agriculture Committee including me, they set forth very graphically the costs of producing wheat and barley. In short, their conclusion is that if they had to depend on the present market price for their total wheat income, they would sustain heavy losses in their future farming operation.

Mr. President, I am no defender of big corporation farming. I cite this only to indicate that even the most efficient farm operation cannot produce wheat for the price that is obtainable on the free market now.

Wheat farmers want to continue the present program and, since the cost is little different than for the program proposed by the Secretary of Agriculture, why should we change?

Working with the members of the Senate Agriculture Committee, I was successful in getting an amendment to the wheat section approved which I think is tremendously important to the wheat industry of this country. It provides first that price supports could not be set below the present level of $1.25 a bushel. Certainly with the rising costs of everything a farmer has to buy in his operations, this is no time to reduce prices and lower farm income.

There is another important provision. It would provide that the present wheat program would be continued for the next crop year. There would be a referendum next year to permit wheat farmers to decide whether they wanted to continue the present program for the 1972 and 1973 crop years or the House-passed set-aside program as modified by the Senate.

Referendums are nothing new to wheat farmers. This is also a common practice for marketing orders for milk, fruits, and vegetables. I cannot understand the Secretary's objection to this kind of referendum for wheat, particularly since there would be little difference in the cost of the two programs.

If the so-called set-aside program would provide farmers more freedom to plant, as claimed by the Secretary of Agriculture, and if it assured them as good an income, wheat farmers might well decide in a referendum to try the set-aside program.

President Nixon campaigned for more freedom of action on the part of farmers and I understand that is one of the objectives of the Secretary of Agriculture. Thus, a referendum giving farmers an opportunity to continue the present wheat program or choose to come under the set-aside program would give them more freedom of choice.

As I stated previously, Mr. President, despite having served on the Senate Agriculture Committee for a quarter of a century and being engaged in farming all my life, I hesitate to try to explain to the rest of the Senate just how these new and complicated farm programs proposed in the House bill for either feed grains or wheat would apply to an actual farming operation.

The pending farm bill as rewritten by the Senate Agriculture Committee is not perfect and I think some changes are desirable. I do feel strongly, however, that most of this could be better accomplished in conference with the House than to try to rewrite very complicated farm legislation on the floor of the Senate.

I understand this is the position taken by the distinguished chairman of the Committee on Agriculture and Forestry (Mr. ELLENDER). He is one of the best authorities I know on farm legislation and is one who has gained great knowledge of farming both as a farm producer himself and from having served on the Agriculture Committee for 33 years.

Chairman ELLENDER has listened, oftentimes alone, to innumerable witnesses who appeared before the Senate Agriculture Committee on this legislation. I cannot help feeling that the position he has taken with respect to rewriting this legislation on the floor of the Senate is sound. He deserves our support.

EXHIBIT 1

WHEAT PRICE SUPPORT LOAN LEVELS AND AVERAGE WHEAT PRICES RECEIVED BY FARMERS, UNITED STATES, 1940-69

Year	Loan level per bushel	Average price received per bushel
1940	0.64	0.674
1941	.98	.939
1942	1.14	1.09
1943	1.23	1.35
1944	1.35	1.41
1945	1.38	1.49
1946	1.49	1.90
1947	1.84	2.29
1948	2.00	1.98
1949	1.95	1.88
1940-49 average		1.50
1950	1.99	2.00
1951	2.18	2.11
1952	2.20	2.09
1953	2.21	2.04
1954	2.24	2.12
1955	2.08	1.98
1956	2.00	1.97
1957	2.00	1.93
1958	1.82	1.75
1959	1.81	1.76
1950-59 average		1.975
1960	1.78	1.74
1961	1.79	1.83
1962	2.00	2.04
1963	1.82	1.85
1964	1.30	1.37
1965	1.25	1.35
1966	1.25	1.63
1967	1.25	1.39
1968	1.25	1.24
1969	1.25	1.24
1960-69 average		1.568

Source: USDA, ASCS Sept. 10, 1970.

Mr. AIKEN. Mr. President, I think that our chairman, the Senator from Louisiana, and the Senator from North Dakota have done remarkably good work in getting any bill at all to the Senate floor at this time, and I commend them for the exceptionally good work they have done. However, I must say that I do not agree with all the provisions of the Senate bill, and feel that they are not as helpful as their sponsors expect they would be.

I have no extended remarks on the bill at this time. I agree with my chairman and with the Senator from North Dakota that we should get this bill to conference at the earliest possible moment—tomorrow night, if possible, or the next day—because that is where the determination will be made whether we will have an agriculture bill at this session or not. I do not like the idea of no bill at all being enacted, because it would be rather disastrous to American agriculture should we let this measure go by the board this year. It would also be rather disastrous to the dispositions of most of the Members of the Senate if we had to stay here until the second of January in order to get any bill at all through.

For those reasons, I hope there will be no amendments offered to or approved for the bill at this time. There may be one or two that can be accepted by the chairman in order to take them to conference, where they will be under consideration. But, as a matter of fact, most of the proposals which have been made for the new agricultural program will be before the conference in either the House bill or the present Senate bill, and I am satisfied that if we get this bill to conference at an early date, we will come out with a result which will be very helpful to American agriculture, and will also be helpful to the reputation of this Congress.

I do not expect that we will have an agriculture bill without any faults. We never have had one yet. But if corrections are needed, certainly it is no time at all until the 92d Congress meets—that time is only about 3 months away. If corrections are needed, they can be proposed in the early part of the next session and that time is almost here.

I conclude by saying that I believe the addition of amendments to this bill, with one or two possible exceptions which could be generally agreed to, would be of no help at all to American agriculture at this time.

Mr. TALMADGE. Mr. President, I compliment my distinguished chairman, the distinguished ranking minority member, the Senator from Vermont (Mr. AIKEN) and the distinguished senior Senator from North Dakota (Mr. YOUNG) on the remarks they have made. I associate myself with them. American agriculture has no better friends than the three distinguished Senators who have preceded me on this floor this evening.

The Senate Committee on Agriculture and Forestry, working under very adverse circumstances, has reported the very best bill for American agriculture that it was possible to report from the committee. I wish this evening, however, to call the attention of the Senate to title IX of the pending bill. This title, regarding rural development, is an amendment offered by the Senator from Kansas (Mr. DOLE) and myself during the committee deliberations. I was delighted that the committee adopted this amendment unanimously.

This title says what many of us have known for a long time—that we must do more to stop rural outmigration and to achieve a sound rural-urban balance.

Although rural outmigration has not continued at the levels achieved during the 1950's, it does continue at a very rapid rate. In my own State of Georgia, 82 counties have lost population in the last 10 years, according to the 1970 census. However, one does not need to look at census figures to see what is happening to rural America. I am sure that every Member of the Senate knows of small towns in his own State which were once thriving and prosperous, but which are now almost deserted. I am sure that every Member of this body is aware of towns which have too few people and too small an economic base to provide essential Government services. Oftentimes, the small towns of the Nation are unable to attract industry and job opportunities because they do not have Government services which are considered bare essentials for comfortable living.

Almost daily I talk to mayors in my State pleading and begging for funds for sewer facilities. A Farmers Home Administration survey conducted in my State showed that there were 1,003 communities in Georgia without a water system and 1,359 communities without a sewer system. This inadequacy of service is also apparent in such areas as medical care and education.

In addition to inadequate Government services the rural resident is often forced to live in substandard housing. Although the rural areas and small towns of the country contain less than one-third of the people of America, they account for nearly two-thirds of the Nation's substandard housing.

As tragic as the plight of rural and small town America is, the impact of rural outmigration has equally serious implications for urban America. Our largest cities are becoming unlivable as well as ungovernable. They are unable to deal with their own population increases which are generated internally, not to speak of the rural migrants who come to the city uneducated and ill-prepared for urban living.

Mr. President, the Talmadge-Dole amendment would put Congress squarely on record as being aware of the problem of rural outmigration and it would state a commitment of the Congress to do something about this problem.

This title recognizes that farm payments are essential. As important as these farm subsidies are, however, they can never provide an adequate standard of living for a large number of rural residents. This title recognizes that even a farm program providing 100 percent of parity for all crops would not provide a decent standard of living to farmers who are too old or too uneducated to adapt to new farm technology, or to farmers who are unable to secure enough capital to build efficient farm operations.

Title IX recognizes the fact that much more is needed if we are to achieve rural and urban balance. We must have a commitment on the part of Congress and the executive branch to give highest priority to improving the quality of life of rural America. We must not only attempt to bolster farm income by price support payments, but we must attempt to develop adequate housing, high quality medical care, adequate water and sewer systems, good recreation facilities and, most important, job opportunities that can provide the income needed for an adequate standard of living.

Once these things are provided I believe that we will not only stop rural outmigration, but I believe that we can reverse the trend. We can expect that many residents of heavily-polluted, crime-ridden and congested urban areas will prefer to move to the small towns of America.

Mr. President, there are a myriad of Government programs which are designed to improve the quality of life in rural America and to slow rural outmigration. However, none of these programs are adequate. Many are grossly underfunded. Others are considered low priority items by the agencies which administer them.

It is the purpose of title IX to shift our national emphasis. This title makes a finding of the grave problem which faces this Nation. Already 70 percent of our population lives on less than 2 percent of our land. Title IX states that unless this Nation makes a commitment of sufficient magnitude to reverse the present trend toward excessive concentration of population, 240 million people will be crowded together in four giant strip cities by the year 2000.

The trouble with so many programs designed to help urban America is that they are not getting at the root of the problem. Many of our urban-oriented programs seem to produce little results because the problem grows faster than the program. Attempting to solve the problems of the cities without dealing first with the problems of rural America is comparable to trying to rebuild a war-torn city while the bombs are still falling. Unless we first reverse the trend of rural outmigration there is no hope for solving the problems of our inner cities.

It is time we took a long look at our national priorities. It is time we realized that although rural problems and rural poverty are not as visible and as volatile as urban poverty, they must receive equal attention. Title IX recognizes this fact and states that—

> The Congress considers this balance so essential to the peace, prosperity and welfare of all our citizens that the highest priority must be given to the revitalization and development of rural areas.

Moreover, title IX goes beyond a general commitment. It makes specific directives to government agencies and requests specific information which will enable the Congress to enact new programs.

Title IX directs the heads of all executive departments and agencies to establish policies and procedures to locate new offices and facilities in communities of low population density in preference to communities of high population density. It requests that the President submit an annual report to Congress in regard to efforts made in this direction.

Another section of the rural development title would give an added boost to the development of rural multicounty planning. Under the authority of the Housing and Urban Development Act of 1968, the Department of Housing and Urban Development and the Department of Agriculture were authorized to provide assistance to States in developing multicounty planning for rural areas. The rural development title would give added emphasis to this program and would require annual reports so that Congress would have sufficient information to gage whether the nonmetropolitan planning program is meeting the goals set by Congress.

An unfortunate fact of life is that in many cases small town and community leaders are not very well equipped to provide leadership in rural development. The rural development amendment would direct the Secretary of Agriculture to use all the agencies and resources at his command to provide information, technical assistance and training for small town leaders so that they may do a better job of planning and developing their local communities. The Secretary of Agriculture is required to submit an annual report to Congress in regard to his efforts in this area.

As I have stated previously, services in rural areas are far from adequate. The water and sewer systems, medical care, educational facilities and even telephone service is quite inferior to the services offered in urban areas. If we are to reverse the trend of rural outmigration, we must equalize these services. The rural development title requests that the President submit an annual report to the Congress stating the availability of Government services to rural areas. Moreover, the President is requested to include in this report an outline of the efforts of the executive branch to improve these services during the preceding year.

I believe that every Member of this body is aware of the pressing capital needs of the small towns of his State. Almost every day I talk to a small town mayor or official who is seeking assistance in obtaining a grant or loan from the Federal Government so that the town may finance some essential service. The rural development amendment requests the President to explore the possible utilization of the Farm Credit Administration and agencies of the Department of Agriculture to fulfill the credit needs of rural America. The President is requested to submit his report by July 1, 1971. Hopefully, this report will furnish background for congressional action to meet the pressing capital needs of the small towns and communities of rural America.

Mr. President, the problem of achieving a sound rural and urban balance is one which will require the cooperation of all branches of government and the cooperation of business and industry leaders. I realize that many of the programs which are needed to meet the needs of rural America are under the committee jurisdiction of committees other than the House and Senate Agriculture Committees.

Hopefully, the information requested

by title IX will provide a basis for action not only by the Agriculture Committees but by the other appropriate committees of Congress.

Moreover, I feel the sense of commitment stated in this resolution is vital if we are to begin to reverse rural outmigration.

Present programs and present efforts are not good enough. If we are to save our rural areas from stagnation and our large cities from strangulation, we must change our priorities.

We must make rural development and revitalization an issue which takes a back seat to none other.

Mr. MONDALE. Mr. President, I am pleased to join with my colleagues in expressing my admiration and appreciation to the distinguished chairman of the Senate Agriculture Committee for his effective work and continued devotion to strong agricultural programs and to a strong and vital rural America. His continued commitment to this cause over the years has furnished great strength to this effort, at a time when we often see absence of interest and absence of concern not only about rural America but also with respect to failing to deal adequately with the problems of all Americans, wherever they are found.

I wish to join with my colleagues. Having served for some years on the Senate Agriculture Committee—although I am not now a member of it—I quickly learned great respect for the chairman's leadership and am pleased and proud to join with the others in making that comment.

Mr. President, as we debate extension and revision of the basic legislation under which our farm commodity programs operate, we should be fully aware of the inadequate levels of today's farm income.

FARM INCOME

According to Department of Agriculture Crop Reporting Board statistics, the index of prices received by farmers dropped 10 points, or 3 percent during the month ended August 15 of this year. This is the largest single monthly decline in farm prices in 22 years. Even prior to the July–August decline, the general parity index of farm prices stood at its lowest level since the great depression.

At a time when this Nation is gripped in a very serious inflation, the American family farmer's income has dropped in a dramatic way seldom seen before in American history. I was struck the other day, when the official wholesale price indexes were released, that some glee was expressed at the fact that, for the first time in many months, the wholesale price index had shown a very modest drop. But if you analyzed those figures closely, you found that practically every other indicator was upward on an inflationary spiral, and almost the sole reason for a drop in the wholesale price index was the disastrous and cataclysmic drop in farm prices.

So that rural America is being presented with the same dramatic inflation as everyone else and, in addition, is being asked to absorb all the expense of reducing the wholesale price index.

Thus it is that the general parity index of farm prices stood at its lowest level since the great depression, and that is the environment in which we meet tonight. I think it is that deep issue that should compel us to pass the strongest possible farm bill that we can consider.

I was impressed a few months ago, when the leader of the urban coalition, Mr. Gardner, testified before one of our committees, by the fact that he led off his testimony with the statement that the more he studies the problems of urban America, the more he is convinced that they begin in rural America, and that he increasingly was of the opinion that we could not solve any of our urban problems unless we had a balanced and strong program to deal with the basic roots in rural America as well. That is really fundamentally what this farm bill is.

I have often told many of my friends, concerned as I am about our urban problems, that if they really want poverty, if they want to contribute enormously to the forces producing poverty in this country today, they should abandon the basic farm programs that have been fundamental in this country over the years, and they will have poverty the likes of which this country has never seen before, and many other adverse side effects as well.

My State of Minnesota has not escaped the trend toward reduced farm prices and income. Minnesota real farm income, adjusting for cost-of-living increase, was lower in 1969 than in any year since the disastrous year of 1964—and was lower than 7 out of 10 years of the 1950's. The steady reduction in the number of farms has made the per farm income in Minnesota generally rise. However, even the per farm real income in Minnesota last year was lower than it was in 1966, and was only $62 higher in real terms than it was in 1951.

I wonder how many Americans could be meeting the responsibilities of their family today if their income was only $51 a year higher than it was in 1951, when we consider the reduction in the value of the dollar.

The cause, of course, is not hard to find. Gross farm income has risen by only 13 percent in the last 5 years, while both production and living costs of the average farmer have gone up by 20 percent. This cost-price squeeze has meant an increasingly unfair burden of our economic troubles falling upon the farmers and their families and upon our entire rural economy. It is up to us now, as we debate this farm bill, to enact a program which will assure the American farmer a fair return for the incredible agricultural bounty which he provides.

Our distinguished Committee on Agriculture is to be commended for reporting to this body a stronger and more workable farm bill than was passed by the House of Representatives. Virtually every title of the bill is improved in a significant way, and I find the Senate bill to be superior to the House measure.

It is especially important that the committee reinstated a floor under the price support loan of $1.25 for wheat and $1 for corn. I am pleased that the committee also adopted the substance of one of my own recommendations, under the leadership of the distinguished senior Senator from North Dakota, and inserted into the bill a requirement for advance payments to feed grain and wheat producers.

CLASS I. BASE PLAN

One change that the committee made in the House bill—to make permanent the class I base plan of the dairy title rather than extend it for 3 years—may be somewhat premature. I think that we lack sufficient experience with this type of milk marketing order arrangement, and that we should retain the requirement for congressional reconsideration and renewal after another 3 years has passed. I have communicated to Chairman ELLENDER my intention to present a floor amendment, cosponsored by Senator NELSON of Wisconsin, that would reinstate the 3-year limitation. I will have further remarks when I call up this amendment and hope the committee and the Senate will accept it when offered.

While I do not intend to dwell upon the matter of class 1 dairy plan, I will be discussing it perhaps tomorrow, at the appropriate time, when an amendment sponsored by myself and the junior Senator from Wisconsin is raised.

My most serious objections to the bill as reported by the Senate Agriculture Committee comes in the feed grain section. I am not opposed to strong cotton and wheat programs. I intend to support them. But I believe we should have an equally strong program for feed grains as well.

FEED GRAINS

In terms of income protection, the feed grains title of the farm bill as reported by the Agriculture Committee is particularly weak in comparison with the major commodity titles. In at least two crucial respects, the committee bill is imbalanced in favor of cotton and wheat, and discrimination against producers of feed grains.

First of all, in the farmers of my State, the feed grain farmers generally feel deeply about this. Only feed grains are singled out and divorced from the principle of parity.

Under the Senate bill, the payment to cotton farmers would be the larger of 35 cents per pound or 65 percent of parity. For wheat, the price to the farmer on his domestic acreage would be supported at full 100 percent of parity. Furthermore, the $1.25 per bushel loan floor on wheat, together with parity support on domestically marketed wheat, tends to provide a blend price guarantee to the farmer. Feed grains alone—which, incidentally, were a $288 million business in Minnesota last year—are completely unrelated to parity, and are singled out for a program which is unrelated to parity. I am hopeful that before the Senate debate is over, that might be in it.

AMENDMENT NO. 902

In that regard, at this point, I submit an amendment under the chief sponsorship of the Senator from New Mexico, (Mr. MONTOYA), joined in by myself, and

Senators PROXMIRE, HARRIS, MCGOVERN, YARBOROUGH, HUGHES, MCGEE, ANDERSON, NELSON, SYMINGTON, EAGLETON, GORE, BURDICK, HARTKE, BAYH, and we hope several other Senators.

I send this amendment to the desk at this point in my remarks.

The PRESIDING OFFICER. (Mr. GRAVEL). The amendment will be received and printed and will lie on the table.

Mr. MONDALE. Mr. President, this amendment would amend the present agriculture bill to provide that feed grains should be supported at $1.35 per bushel or 77 percent of parity prices for the commodity and 50 percent of the farm base acreage for the commodity, to yield per acre as established pursuant to paragraph 2 of this subsection, whichever is the greater and this will be, I think, the key issue involved in the consideration of this farm bill insofar as I am able to determine it. I will be discussing that amendment further on in my remarks.

Second, the bill contains limitations on the maximum permissible set-aside for cotton and wheat, but no limit for feed grains. The House bill limited the set-aside for cotton to 33⅓ percent of base acreage, the Senate committee reduced this to 12½ percent. On wheat, the Senate bill sets 75 percent of the farm domestic wheat allotment as the maximum set-aside that can be required by the Secretary of Agriculture. The absence of a comparable ceiling on set-aside for feed grains means that the Secretary can require diversion of feed grain acreage that ought to be diverted from the bases of other commodities.

The amendment proposed by Senator MONTOYA, which I have introduced on behalf of the Senator from New Mexico (Mr. MONTOYA), myself, and others which, in my opinion, is a reasonable step toward placing the feed grain farmer on an equal basis with cotton and wheat. The Montoya amendment guarantees for the duration of the 1970 Agricultural Act, a total level of support for feed grains at 77 percent of parity. This amendment is not designed to increase the initial cost of the feed grain program. The 77 percent of parity, if it were in effect today, would provide a support level approximately equal to the current—1970 crop year—support price and equal to the support level for feed grains contained in the bill that we debate today. The $1.35 per bushel full parity, which is according to the present parity formula, support for corn provided in the bill is equal to 76.3 percent of $1.77, which is the parity price of a bushel of corn as of July 1970.

What the Montoya amendment provides is that the $1.35 figure—and comparable figures for grain sorghum and barley—would not remain fixed as a price support ceiling if the farmers' costs of production rise. Actual additional governmental expenditures that will be incurred if the amendment is accepted will depend primarily upon the extent of participation by farmers in the feed grains program and the rate at which the farmers' production costs escalate in 1971, 1972, and 1973.

For cotton and wheat producers, the farm bill as reported by the Senate committee contains a measure of protection against cost-of-production increases that only parity can provide. The least that we can do is to retain this same kind of partial protection for the feed grain farmer as well. Adoption of the Montoya amendment is an effective way to accomplish that objective.

I am most hopeful that that amendment will be adopted before the farm bill is accepted. I said earlier that I wished to commend the Agriculture Committee for accepting the advanced payment provision. For some years the Department of Agriculture voluntarily made advance payments to feed grain and wheat farmers. This was a very important source of assistance to farmers during the expensive early production start-up period. Millions of dollars to which farmers were entitled to under the program, which they would receive in any event, were distributed early in the season so that the farmers would have the money they need for production costs without going into the expensive private market and, in addition, to the money communities, trying tc seek loans and credit that were dry and difficult to obtain.

ADVANCE PAYMENTS

I want to take this opportunity to point out the vital nature of the advance payments provision that was incorporated into the bill by the Senate committee.

In 1969, Minnesota producers received $31 million in advance feed grain payments which were immediately used in paying spring planting bills. This year—and I deeply regret the Secretary's decision in this regard and have been publicly critical on many occasions of it—in order to accommodate the administration's budget shift, grain producers were required to wait until July and August for their payments. This was an entirely unnecessary hardship for them and for the small businessmen from whom they buy their supplies, and comparable hardship was suffered by farmers in all feed grain-producing States. Under the wheat and feed grain advance payments provision added by the Senate committee—which makes such payments mandatory—Minnesota farmers participating in the two programs would receive some $70 to $80 million, about 2 to 3 months earlier than otherwise would be the case.

This is money to which the farmers are entitled in any event, and simply speeds up payments and requires payments so that it is there at the time the farmers most need it. Incidentally, since this is a voluntary program, I believe it adds to the attractiveness and, thus, to the effectiveness of the program.

In a letter to Chairman ELLENDER on the farm bill, Secretary of Agriculture Hardin objected to the advance payments provision on the ground that it would shift a large portion of the program costs from the 1972 to the 1971 fiscal year budget.

His objection involves essentially an accounting matter, a matter of timing rather than substance. Increases in the level of expenditure—as distinguished from the timing of expenditures—brought about by advance payments would be comparatively insubstantial. In fact, the only increased governmental costs would be the interest attributable to the advance payments funds for the few months that these payments would precede payments to farmers as provided in the House bill.

This interest, carried by the Government at the current 7 percent Treasury rate, would be far less than the interest payments which would otherwise have to be borne by the farmer at the astronomical rates currently prevailing on the commercial market. For example, the median interest rate charged by the 50 production credit associations reporting from the St. Paul district on July 1 was nearly 9¾ percent interest.

At this rate, it would cost the American farmer over $42 million to borrow the necessary capital which he would otherwise receive through advance payments, to which he is entitled in any event, in wheat and feed grains. By contrast, the Government could maintain these advance payments programs for wheat and feed grains in the amount of $1.73 billion as suggested by Secretary Hardin for only $30 million in interest.

Clearly, in my opinion, this amendment increases the attractiveness and helpfulness of the program. The only argument to the contrary is a bookkeeping one. It seems to me that the Secretary of Agriculture should be worried first about the condition of the American farmer and not worried about technical bookkeeping matters. I am hopeful that this amendment will stay in the form it is as adopted by the Senate Agriculture Committee.

This is a miniscule cost for a program which is absolutely essential to the farmer's springtime planting efforts. To deny the advance payments program is to place a far greater cost—over $40 million—on the American farmer who, as I have shown, has already suffered disproportionately from today's vicious cost-price squeeze.

I know that, in reinstating advance payments in the bill, the Agriculture Committee of this body looked beyond the narrow fiscal and bookkeeping considerations that apparently motivated the opposition of Secretary Hardin. I urge my colleagues in the Senate to follow the leadership of the Agriculture Committee on advance payments, and to do all that can be done to retain this provision when we go to conference with the House of Representatives on the farm bill.

RURAL DEVELOPMENT

Mr. President, I wish to also call to the attention of my Senate colleagues, title IX of the farm bill (H.R. 18546) entitled "Rural Development." This title was introduced in committee by the distinguished Senator from Georgia (Mr. TALMADGE).

It is directed toward solving some of our Nation's basic problems; overcrowding of people in our large cities and the neglect and decay of many of our smaller communities and rural areas. Although the big migrations of the 1940's and 1950's from rural to urban America have subsided to a large extent, a steady and sizable movement continues.

A few quotes from the lead section of this title makes the point well:

Presently 20 percent of the adult urban population are former rural residents. . . . By the year 2000 or soon thereafter, 100 million more Americans will be added to the 140 million already living in our cities and suburbs. . . . Unless this nation . . . reverses the present trend toward excessive concentration of population, 240 million people will be crowded together in four great strip cities. . . . Already 70 percent of our population lives on less than 2 percent of our land.

Mr. President, I not only wish to commend the Senator from Georgia and the Agriculture Committee for adding this title to the farm bill, but wish to call on each of my Senate colleagues to give it their strongest support. National policy, plans and programs directed at reversing these disastrous settlement patterns are desperately needed, and now.

The specific actions which this title embodies are clearly in tune with such objectives. They include:

First, requiring all executive branch departments and agencies to establish policies and procedures with respect to the location of all new facilities in areas or communities of lower population in preference to those of a higher population density.

Second, a strengthening of the Federal nonmetropolitan multicounty planning and development program under the Housing and Urban Development Act of 1968.

Third, a report from the USDA and other Federal agencies as to what policy and development assistance, including informational and technical assistance, is being provided to smaller communities to help them overcome many of the deficiencies they are confronted with in that regard.

Fourth, a report on the extent to which Federal programs are being made available to rural areas, including what the executive branch plans to do about the establishment of outreach efforts where and when needed in that regard.

Fifth, request the President to present his recommendations to the Congress on how the Farm Credit Administration and other agencies of the U.S. Department of Agriculture might be utilized in meeting the financial and capital investment needs of rural America.

All of these actions are important to our achieving a "rural-urban balance" in this country; something, Mr. President, we must commit ourselves as a nation to accomplish. I submit that unless and until we do so, the problems of both our cities and rural areas will continue to grow larger and more devastating in character.

Finally, Mr. President, let me again appeal for enactment of the strongest possible farm bill. Our farmers wish it and they deserve it. I recently received a telegram signed by more than 2,000 upper Midwest citizens requesting my support for such a strong farm bill including the parity principle for feed grains. I ask unanimous consent that the telegram be made a part of the RECORD at this point.

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

To Members of the U.S. Senate:

We, the undersigned, regard it as absolutely necessary that action be taken by this session of Congress on long-range farm legislation, since the Agricultural Act of 1965 expires at the end of this year.

Because farm costs continue to rise constantly, the farm legislation which is adopted this year should make provision to increase farm income in line with our rising costs.

Feed grains producers ought to be entitled to the same consideration as cotton and wheat farmers in terms of tying the support program to parity, but this is not provided in the House bill or in the version approved by the Senate Agriculture Committee. The 1970 legislation should also preserve effective production controls on a commodity by commodity basis and should at least raise price or income levels sufficiently to keep pace with spiraling costs.

Mr. MONDALE. Mr. President, once again I express my appreciation to the Committee on Agriculture and Forestry and to its chairman.

I am hopeful that during the next day or two during which we consider this bill, we will end up with the strongest possible farm legislation.

Mr. HOLLAND. Mr. President, I think it would be most inappropriate for me at this time to discuss in detail any portion of this bill.

I simply call attention to the fact that in my judgment it is absolutely essential for this Congress to enact a farm bill to take the place of the 1965 act as extended, which will expire at the end of this year.

I call attention to the alternative that faces us if we do not enact a reasonable price support for the three principal commodities which are contained in this bill and which are going to be the subject of debate—feed grains, wheat, and cotton.

There are, as I see it, at least two alternatives.

If we enact no legislation in this Congress, we go back to the old permanent legislation which preceded the enactment of the 1965 act. Everyone of us knows that legislation had proved in the last years of its operation to be highly extravagant and to bring about the production of surpluses which were becoming unbearable both as to their volume and as to cost.

Because of that kind of surplus, I think it would be unspeakable for this Congress to allow our country to revert to the old legislation that was in effect back in 1964.

That is one of the alternatives—and a very sure one—that exists if we enact no legislation before the end of this Congress, at midday on January 3 of next year.

The other alternative—not so certain—would be an effort in the closing days of Congress simply to extend the 1965 legislation as it has already been extended once for one additional year.

I think that would be a very hurtful step, even if it could be accomplished—and I doubt if it could be—because it has been shown so clearly that excessive payments were made to only a few in terms of that legislation. Even if many of the objectives of that legislation were accomplished by the reduction of surpluses on the one hand, when that legislation was enacted, even if it were possible to extend that legislation for an additional year, I think it would be hurtful to all agriculture in this Nation because of the hugely excessive payments to just a few people which had resulted under that legislation.

Everyone who has followed this question at all knows that the size of those payments—some of them going up to $3 million or $4 million to a farmer—has resulted in much of the confused thinking and much of the opposition from people who know little about the subject and much of the dissatisfaction with the 1965 legislation as extended.

It seems to me that is the second alternative which might possibly confront us if we enact no new legislation prior to the final adjournment of this Congress. For that reason—and not because I am fully satisfied with all of the provisions of this bill, I do not believe there is any member of the Committee on Agriculture and Forestry who was fully satisfied with all of its provisions—I am supporting the bill, believing that it should go promptly to conference, since there will not be unanimity there. We know that some changes will have to be made.

I hope that in conference we can help to draft a bill which will be more acceptable from all points of view and will prevent either of the two alternatives which I have just mentioned. I think that either of those alternatives would be very hurtful to agriculture and that the first of them would be very hurtful to our entire Nation.

So, I support wholeheartedly the plea of our distinguished hardworking chairman, the Senator from Louisiana (Mr. ELLENDER), as echoed by the pleas of the distinguished Senator from North Dakota, the distinguished Senator from Vermont, and the distinguished Senator from Georgia—all of whom are ranking members of the Committee on Agriculture and Forestry—that we enact this legislation promptly, send it to conference in the hope that we may avert—because we must avert—either of the alternatives which I have just mentioned.

Mr. President, I yield the floor.

Mr. COOPER. Mr. President, I am not a member of the Committee on Agriculture and Forestry. Once I had the honor of serving as a member of that committee for 5 years. I shall always remember it as one of the most interesting and, I hope, helpful periods of my service in the Senate.

I wanted to be here this evening as we commenced the debate upon the farm bill so that I could say on behalf of the farmers in my State that they are tremendously interested in the enactment of a farm measure at this session of the Congress because, as all of the others who have spoken have said, it would be very critical if a bill were not enacted and we were to have to revert to the old program which was in effect prior to the adoption of the present program.

I was on the Agriculture and Forestry Committee at the time these present programs were adopted. Our State, al-

though it is not the largest producer of any of the basic commodities, very interestingly produces all of the basic commodities—corn, tobacco, wheat, milk, wool, cotton—all except peanuts and rice.

Approximately half of the income of Kentucky is still represented by farm production. So, we are very interested.

I would like to say, as I have said so many times, that I would like to pay my words of appreciation to the members of the committee for their tremendous interest which has existed over so many years in the field of agriculture.

I remember serving under the committee chairman, the distinguished Senator from Louisiana (Mr. ELLENDER). I think he has held the chairmanship of the Committee on Agriculture and Forestry for longer than any other person in the history of Congress.

His fairness and his knowledge have resulted in helping every farmer in this country.

I speak also in the same way of the Senator from Vermont (Mr. AIKEN) on the Republican side, and my dear friend from North Dakota (Mr. YOUNG) on the Republican side whose interest in the great crops in the West, particularly wheat, also helped all farmers of the country. I also speak in the same way of the Senator from Florida (Mr. HOLLAND), the Senator from Georgia (Mr. TALMADGE), and the Senator from North Dakota (Mr. BURDICK), and those who have spoken and who will speak.

I have a few questions. I will not ask them this evening but I shall ask them later during the debate.

I am glad that in the report of the Committee on Agriculture, and in the statement made by the distinguished Senator from Louisiana, and the statement made by the Senator from North Dakota they brought to the attention of the country that despite the cost squeeze the American farmer still produces food at a cheaper cost to the farmer which enables the consumer to buy food, in proportion to his spendable income, at a cost less than any other country or area in the world, even though there has been added on the cost of fancy processing and other costs.

I am glad I was here to hear these presentations. I will postpone my specific questioning until some later time but I did want to pay tribute to the Committee on Agriculture for the great work it does for the farmer and for this country.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. YOUNG of North Dakota. Mr. President, may I express my appreciation for the kind remarks of the Senator from Kentucky (Mr. COOPER) for my efforts on behalf of agriculture.

The Senator from Kentucky rendered distinguished service as a member of the Senate Committee on Agriculture and Forestry and probably holds the record for being one of the most effective farmer legislators. The basic tobacco law he wrote in 1948 is still on the record books and is practically unchanged. I think that is a record for any farm program.

THE IMPORTANCE OF ADVANCE PAYMENTS TO WHEAT AND FEED GRAINS PRODUCERS

Mr. BURDICK. Mr. President, at this time I would like to add my support to a very important provision of the Agricultural Act of 1970 as it was reported by the Committee of Agriculture and Forestry. That provision has to do with the making of advanced payments to wheat and feed grains producers. These payments are essential, not only because of high production costs and high interest rates charged to farmers for short-term loans, but also because of the difficulty of many of our producers—both large and small—in getting any credit at all.

During hearings earlier this year on the agricultural appropriations bill, a Department of Agriculture spokesman stated that the rise in use of agricultural credit has been slower over the past few years partly because of a scarcity of available credit. A tight money situation has forced many commercial banks to restrict the amount of credit advanced to agriculture. Life insurance companies have reduced their allocation of funds to farm loans as a result of more attractive investments elsewhere.

Yet the demand for capital grows by leaps and bounds each year, as the trend toward commercialized and specialized farming calls for increasing amounts of purchased inputs. Large quantities of capital are needed by farmers and their cooperatives to expand their output to meet the needs of a growing population and of a large export market for food and fiber products, and these expenditures fall heaviest in the early part of the crop year. With farmers now buying a larger portion of their inputs, substantial operating capital is required to assure that supplies, equipment, and labor will be available when needed.

Along with the condition of scarcity, money has become more expensive. Interest rates paid by farmers increased sharply during 1969 and 1970 and in many parts of the country reached their highest levels in more than 50 years. At the end of 1969, farmers were paying interest rates of 7 to over 10 percent on short-term operating loans as compared with 6 to 8½ percent a year earlier. July 1, 1970 figures show that the average rate for short-term operating loans to farmers is commonly 9 to 10 percent with some PCA's reporting rates as high as 11¾ percent in some parts of the country. In a letter to Senator ELLENDER earlier this year, one farmer complained that in 1959 his interest expense had been $3,579, and by 1969 his farm interest cost was $14,573. His description of these costs included the word "brutal". I would certainly have to agree. Prospects for the future are not very encouraging. The Department of Agriculture predicts that the use of farm credit and farm debts will continue to rise. Many purchased items will show an increase in prices to the farmer, and farm wage rates will increase. The purchase of new equipment, the replacement and repair of worn equipment, and the expansion of farm operations will continue to demand costly inputs, and the need for operating cash and credit will increase accordingly.

Mr. President, it is to these problems that the advanced payments provision of the bill are addressed.

Preliminary, or advance payments to farmers for their participation in agricultural programs will not solve the problem of high interest rates and short supply of credit. But these payments have been used for several years now to help feed grain and wheat producers finance operations in the early part of the crop year. Last year, the Department's decision to forgo advance payments worked tremendous hardship among producers who were unable to make short-term loans, or who—if they were able to do so—had to pay ruinous rates of interest.

The proposed Agricultural Act of 1970 which has been reported to the Senate contains provisions for both wheat feed grains which would remove the uncertainty concerning advance payments which producers faced last year. Title IV of the bill provides an advance payment equal to 50 percent of the estimated domestic certificate rate, plus 50 percent of the estimated diversion payment, for 1971 crop wheat. For the 1972 and 1973 crops—assuming that wheat farmers accepted the program—advance payments would be 75 percent of the certificate value, plus 50 percent of the estimated diversion payment. Both of these plans provide for advance payments to be made within 60 days following signup by the producer.

The feed grain section, which is title IV of the committee's proposed bill, provides that advance payments to feed grain producers will be paid within 60 days after signup in the program. The advance payment for feed grains, in the committee's bill, is to equal the 32-cent guaranteed price support payment for corn, and comparable rates for sorghum and barley.

Mr. President, the proposal to insure advance payments to wheat and feed grain producers will be welcome news to nearly 1.6 million feed-grain producers and nearly 1 million wheat growers who voluntarily participate in these programs. The provisions in the Senate bill differ somewhat from those contained in the bill passed by the House of Representatives.

The House-passed bill provides for advance payments to be made to wheat- and feed-grain producers as soon as possible after July 1. It seems to me that the Senate committee's proposal—payments to be made within 60 days after signup in the programs—would get the money to producers at a time when his need is greatest, and obviate his need to search for short-term production credit.

I believe the committee's proposal meets the approval of producers throughout the country. I urge Senators to support this badly-needed provision.

Mr. FANNIN. Mr. President, Arizona is one of the Nation's leading cotton-producing States. Cotton is the second

biggest source of farm income and provides more than 20 percent of the total agricultural wealth each year in our State.

Over the years there has been extensive debate concerning the payment of price supports, usually referred to as subsidies. Critics complain that rich farmers are receiving hundreds of thousands of dollars. This is a very much misunderstood assumption.

Billions of dollars of public money have been used in an effort by Government to support particular sections of the economy. These programs have not been notably successful. The taxpayer resents paying subsidies—and the recipient resents the governmental restrictions and controls that invariably accompany governmental subsidies.

Responsible representatives of American agriculture are convinced the present program is troublesome, that it has on balance been a great problem, and that agriculture should be returned to a free market in an orderly manner.

I agree with that conclusion, but I must emphasize that for almost 40 years we have used the power of Government regulation and Government subsidy to inhibit the American farmer.

It has taken us 40 years to arrive at the situation which now confronts us, and in returning the farmer to the free market we must proceed with caution. To end the farm subsidy program tomorrow would create chaos, and would inflict grave injury on American agriculture.

Our first step must be to declare unequivocally that it is our aspiration and our intention to move to eliminate the inhibiting controls, end the subsidies, and to reestablish the American farmer as an independent member of the free market, free enterprise system.

We all have nostalgic memories of the family farm. Thirty-five years ago there were 32 million Americans, 25 percent of our population, living on farms. They were having a difficult time making ends meet. The technological developments were threatening to overwhelm them, so the Government launched its program of subsidy to make it possible for the family farmer to survive.

Today there are only about 10 million of our people living on farms. This amounts to 5 percent of our present population.

Farms have become mechanized. Farming has become a scientific, single-product operation, and no longer does the subsistence aspect attract the farmer. The family cow and the family pigs and the family garden have given way to the industrialized farm supervised by graduates in agriculture and horticulture and supported by scientists and the new fertilizers and the new seeds.

As the result of these improvements, the number of individual farms has dropped from 6.6 million to less than 3 million, but our agricultural output has almost doubled. No nation has a better record for producing the feed and fiber necessary to support its population.

Farm employment has declined from 12 million to under 5 million. Fifteen percent of the Nation's farms today produce 70 percent of the Nation's farm output, and the recommendations of changes in the farm program there is one goal they have not fully reached, the stabilization of farm income at a level which would allow a decent standard of living across rural America.

In all the condemnation of subsidies

Farmers have been caught in a vicious cost-price squeeze since 1953. In the past 10 years interest rates have gone up 300 percent and taxes about 200 percent. The parity ratio which describes the relationship between the prices paid by farmers and the prices received by them is equal to its lowest level since 1933—about 74 percent.

The average cost to produce cotton in the Western irrigated land areas is nearly 32 cents a pound. The world price is about 22 cents a pound. The cotton subsidy is in the form of a 16.8 cents payment a pound. But it applies only to 65 percent of a grower's cotton allotment. For a grower's total production, the subsidy figures out to 10.92 cents per pound. So if you take the world price of 22 cents a pound and add the subsidy, you come up with 32.9 cents, or about break even. Some farmers, of course, produce at a smaller cost and some are over that.

Keeping these facts in mind, let us take a look at the farm bill we are considering. We have narrowed the issue considerably—we are no longer talking about subsidies of millions or hundreds of thousands. We are no longer talking about $75,000 or $100,000. Right or wrong, we are talking about $55,000 per crop as the top figure.

To propose a limitation of anything lower than $55,000 would, according to the Secretary of Agriculture, jeopardize the chance of bringing about a balance of supply and demand.

This Nation which depends so heavily on agriculture for power at home and abroad cannot afford to create an imbalance in agriculture which would in turn destroy the greatest agriculture machine in the world, a machine which has meant so much to America in time of war and in time of peace.

The most immediate victims of drastic change in the subsidy program would be individual cotton farmers, their employees, and businesses which depend upon this industry. Farmers not only have their livelihood at stake—they also in many cases must pay on the debt on their land and pay off loans carried over from previous years.

Let us take a look at what sharply curtailed subsidies would mean to a single Arizona county.

Pinal County in Arizona has an upland cotton allotment of 82,021 acres. A $20,000 payment limitation would reduce this to 47,468 acres.

A $20,000 limitation would affect more than half the county's cotton farmers. In 1969, subsidy payments of more than $20,000 were paid to 228 out of Pinal county's 433 cotton farmers.

A $55,000 limitation would have affected 79 of these farmers who drew larger sums.

Farm labor is a major source of personal income in Pinal County. Yet, even with subsidies, the number of farmers has dwindled by about one-fourth in the past 6 years.

When we talk of limiting farm subsidies, we are, in effect, debating the fate of many people who live on these farms and small cities such as Coolidge and Casa Grande.

Any changes should be made in a manner that will allow farming counties, such as Pinal, to readjust its economy.

Many of us in the Senate joined together with the late beloved Senator Dirksen in sponsoring legislation to phase out the subsidy program over a period of years. This was intended to give the farmer a chance to change to other crops where possible so that he would have an opportunity to salvage his investment which in many instances represents a lifetime of work. This phase-out program was not adopted but I trust full consideration will now be given to not dropping below the $55,000 per crop limitation.

There are many illustrations I could give of the hardships that will occur even at the $55,000 level. For example, several Indian tribes in Arizona are about to be seriously affected by this legislation.

To illustrate hardships resulting from a deeper cut in subsidy I ask unanimous consent to have printed in the RECORD a letter received by me from the Salt River Pima Maricopa Indian Council demonstrating the tremendously detrimental effect this would have on the reservation's economy.

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

SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY,

Scottsdale, Ariz.

DEAR SENATOR: We note that there is again discussion concerning a $20,000.00 limitation upon crop price support. This comes at a time when most harmful to the Salt River Indian Community. The Community is located in Arizona adjacent to Phoenix. Our development is basically agriculture, we have some sand and gravel and some commercial development which is for the most part on community lands. We have just completed a general plan in which we have stated a desire to utilize individual Indian lands for agriculture and community lands to produce income for capital improvements; the imposition of a $20,000 limitation upon agriculture price support will harm us because our lands are held in 10 and 20 acre tracts (which are uneconomic for cotton or any other agricultural pursuit) and we of a necessity must combine our holdings to produce the highest return.

Western Farm Management in a November 1962 Feasibility Report Tribal Farming Enterprise Salt River Indian Reservation stated:

"1. *Organization:*

There appear to be several underlying reasons for considering a change from the present agricultural lease situation to be a unified, or corporate-type, farming enterprise on the Salt River Reservation: (1) to return the control of the land to the Indian Community; (2) to improve the basic income of the individual landowner through increased returns and work opportunities; and (3) to gain experience in operating and managing a large, going business which later can be applied to other commercial enterprises that may be more productive than agriculture.

Considering this latter point very carefully, it is of utmost importance that the proposed agricultural enterprise be as successful as possible, since its progress will set the pattern and mood for future development of the Reservation along other lines. And it logically follows that the success of the

farming program will set the pattern and mood for future development of the Reservation along other lines. And it logically follows that the organization presented here is predicted on two things: (1) basic control of the enterprise is to be in the hands of the Indian Community, and (2) operational control is to be carried out by paid professional management."

During the past three years the Salt River Land Board commended the implementations of the recommendation of that report. We have sixteen units, twenty-eight spokesmen and expect by the end of this year to have a maximum of 5 farms and a utilized land management unity as contrasted with 134 leases and 17 separate farms in 1962. We have raised the combined 1813 individual Indian people's income by over $100,000.00 during the past three years.

The Salt River gross agricultural rent income is approximately $550,000.00; price support approximates $375,000.00; it can be expected that rents will be reduced if price supports are limited to $20,000.00.

We ask that you vote against the limitation or make an exception for the lands of the Salt River Indian Community so as not to destroy our work of the past three years and at the same time insure the success of our work. The pattern and mood for future development is set—please do not destroy it by placing a price support on Salt River Indian Community lands.

Signed,

Mr. HAROLD R. SCHURZ,
President, Salt River Pima-Maricopa Indian Council.

Mr. BILLMAN HAYES, Sr.,
Chairman, Salt River Land Management Board.

Mr. FANNIN. Mr. President, I have another letter I wish included in the RECORD showing the hardships the subsidy limit could cause in the Gila River Indian community. This letter was written at the time it appeared the House might adopt a $20,000 limit, and so it is pertinent now to arguments over whether the limit should be trimmed below the $55,000 level.

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

GILA RIVER INDIAN COMMUNITY,
Sacaton, Ariz., July 15, 1970.

Hon. PAUL FANNIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FANNIN: We understand that H.R. 17923 would limit cotton subsidy payments to $20,000 for a single farm. This would be *disastrous* for the Gila River Indian Community. At present most of the income of the Gila River Indian Community comes from the 15,000-acre community farm (tribally owned) and large agricultural lease operations. This income would practically be eliminated if the proposed legislation with the $20,000 limitation is passed. The income of some 1,000 Indians leasing their own small 10-acre farms with cotton allotments would be practically eliminated. Our agricultural workers would be without jobs.

The results of this would be poverty and increasing welfare rolls for our Indian population and the halting of most of the progressive development programs being undertaken by the Gila River Indian Community. As pointed out by President Nixon, Gila River Indian Community is making real progress. This momentum should not be lost or curtailed now.

Because of water costs and other factors, cotton in Arizona can only be farmed successfully in large unitized operations. The proposed legislation would make such operations impossible.

I can speak for the 7,000 Indian residents of the Gila River Indian Community in requesting that you do everything possible to have the legislation amended to exempt Indian Reservation lands from the limitations in the bill and to make the bill more equitable for all farmers.

Very truly yours,

ALEXANDER LEWIS, Sr.,
Governor, Gila River Indian Community.

Mr. FANNIN. Mr. President, the problems facing farmers today result from years of legislation by Congress. To curtail subsidies overnight would be unfair and disastrous.

STATEMENT BY NATIONAL FARM COALITION

Mr. ANDERSON. Mr. President, Senator MONTOYA had intended to be present today, but his plane had engine trouble, and he has been delayed in arriving in Washington until late tonight. He has requested that I place in the RECORD in his behalf a statement of the National Farm Coalition on the Senate farm bill.

Therefore, in his behalf, I ask unanimous consent that the statement be printed in the RECORD.

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

STATEMENT OF THE NATIONAL FARM COALITION ON SENATE FARM BILL

The National Farm Coalition commends the chairman and members of the Senate Agriculture and Forestry Committee for improving the farm bill passed by the House of Representatives. We sincerely and strongly urge the Senate to further improve the bill by approving the Montoya Amendment to maintain feed grains income. The amendment will restore the parity concept for feed grains, applying the same principle of parity relationship as is provided for wheat and cotton.

We must oppose attempts to weaken the bill by:

(1) Removing advance payments for wheat and feed grains producers.

(2) Removing or lowering loan floors and/or removing the parity concept from price supports for cotton and wheat.

(3) Substituting the "set aside" land retirement plan for the supply management features now in the bill for wheat and cotton.

The bill now before the Senate—even with the improvements made by the Committee—does not provide the improvement in farm income that is so badly needed. It could well result in lower feed grain income because the Feed Grain title makes no provisions for compensating for rising costs as provided for in Wheat and Cotton titles. It retains the questionable "set aside" land retirement plan as the mechanism for supply management in feed grains.

It is inconceivable that the Congress could approve legislation in this uncertain period of spiraling inflation and rising costs that would provide less income than farmers now have under existing legislation.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 9:45 a.m. on Wednesday.

Mr. GORE. I object.

The PRESIDING OFFICER. Objection is heard.

STATUS OF UNFINISHED BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the unfinished business is laid aside temporarily tomorrow that it remain in that status until the conclusion of morning business on the following day.

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

PROGRAM

Mr. BYRD of West Virginia. Mr. President, I have been authorized by the majority leader to state that although the unfinished business is to be laid aside not later than 5 o'clock tomorrow afternoon, Senators should be on notice that it might very well be laid aside earlier and that consideration might resume on the farm bill in the early afternoon.

The reason is that today not very much progress was made on the consideration of Senate Joint Resolution 1. We had one recess during the day. There were two live quorums. The second live quorum began around 4:30 and was completed 56 minutes later. So, it is the leadership's feeling that if we are going to complete action on the farm bill tomorrow, we may have to resume its consideration much earlier than 5 o'clock.

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

Mr. BYRD of West Virginia. I yield.

Mr. ELLENDER. I express the hope that we can start earlier tomorrow afternoon because of the importance of having this bill sent to conference. Time is going by. With the limitation of debate that has been agreed to, it would seem that there is no reason why we should not pass the farm bill tomorrow. As far as I am concerned, I am willing to stay here late in the evening so as to accomplish that objective.

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

Mr. BYRD of West Virginia. I yield.

Mr. GORE. Only late last week there was an agreement that the proposed constitutional amendment would be considered, as I understood the agreement, according to the information sheet that was presented to my office, until 5 in the afternoon. At 5 o'clock the proposed amendment would be laid aside and other matters on the calendar would be considered. I made my arrangements accordingly.

Every Senator knows that a filibuster is under way against the proposed constitutional amendment. No secret is involved there. So I announced to my people, who have a right to have my views presented in an election contest, that I would be in Tennessee in the forenoon, but that I would be on the floor of the Senate by 5 each afternoon for the votes on legislation.

I arrived at 5 this afternoon and made the quorum when I answered "present." And now the rules are changed. I am going to be in my State tomorrow morning for a very important engagement at noon. Fortunately, the plane service is such that I can leave the luncheon and

be here at 5. But now we are advised that the rules are changed. I do not know what the leadership on either side of the aisle has in mind. I cannot be here until about 4:30 tomorrow.

I am intensely interested in the farm bill. I have voted for every farm bill since I have been in the House or the Senate. I want to vote for this one. But this sudden change of rule and of understanding places those of us who must of necessity seek election in 1970 at a decided disadvantage.

We had an understanding, by which I have tried to abide. I did abide by it. I will tomorrow, if we stay with the understanding.

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

Mr. BYRD of West Virginia. I yield.

Mr. ELLENDER. I simply express the hope, I say to the Senator from Tennessee, that we may start earlier. I would be the last one on earth to break the agreement just indicated. If the Senator can be here a little earlier than 4:30, let us try to do so, so we can get through with this very important piece of legislation.

Mr. GORE. I understood a little earlier in the evening that we would have a session tonight. I am prepared to stay here until midnight to do business. But now we are suddenly advised the agreement is no more.

Mr. ELLENDER. I would not say the agreement is no more. If the Senator will look around, he can see why we are not having action. We had a little difficulty getting action at 5. So we hope that, come tomorrow, we will have a new day. If we can start at 4 or 4:30, I would suggest that the Senator from Tennessee try his best to get here.

Mr. GORE. If the Senator will agree to talk until 4:55, until I can arrive, my temper will cool.

Mr. ELLENDER. I feel confident that, come tomorrow, we will have more Senators in attendance. It is my sincere belief that, with all the Senators who have spoken here this afternoon and with the limitation of debate agreed on today, we ought to get through the farm bill tomorrow evening.

Mr. BYRD of West Virginia. Mr. President, I would like to second the expression of hope that the Senator from Louisiana has just made.

I do not believe any ironclad agreement was nailed down in the Senate that we would stay on Senate Joint Resolution 1 each day until 5 o'clock. I think the understanding was that we would stay on that measure until circa 5 o'clock in the afternoon, under the assumption that business would be transacted continuously on that particular measure until 5 p.m.

It was also understood, and it was scheduled, that the farm bill would be acted upon this evening and completed tomorrow evening. There was no hard and fast rule to that effect, but that was the way the leadership scheduled it.

If we are to complete action on the farm bill by tomorrow night, the Senate cannot dillydally, as it has today, on Senate Joint Resolution 1. There were times during the day when no Senator on either side of the question was in the Chamber to speak. I recessed the Senate once during the afternoon. I also spoke during the afternoon on an extraneous matter. It is just because of the sluggish performance today, may I assure the Senator from Tennessee, that the leadership feels that, in the good interests of all Senators, and in the interest of expediting the business of the Senate and getting our work done, we ought to put Senators on notice that there is a very good likelihood that tomorrow afternoon the farm bill will be called up and that action on it will be resumed at any time during the afternoon, earlier than 5 o'clock.

The leadership would not want to inconvenience the Senator from Tennessee. I would not want to. I am staying on the Senate floor all the time. I am running for re-election, likewise, this year. Yet, I am here trying to accommodate myself to every other Senator's needs. Be that as it may, I am sorry if the Senator from Tennessee feels that there was a rule or an agreement to the effect that we would not lay Senate Joint Resolution 1 aside until 5 o'clock in the afternoon of every day.

I can understand how he might have gotten that impression. I suppose that might have been the general understanding. But when we reach a situation such as we had today, when much time was wasted because Senators did not appear disposed to speak the full time on Senate Joint Resolution 1, I think the leadership is justified in trying to speed up the work. The Senator from Tennessee was not at fault. He was the Senator who made the quorum, and he is here at this hour ready to do business.

So it matters not how one cuts the cake here, I suppose; we are bound to inconvenience some Senator.

I hope the Senator from Tennessee will cool his temper by tomorrow morning. He is a very gracious, congenial, and affable Senator, and I hope he will appreciate the position that the leadership is in, in its efforts to try to get on with the business of the Senate.

Mr. President, having said that, I renew my hope that all Senators will be on notice that, depending upon the circumstances tomorrow, the farm bill may be laid before the Senate at any time during the afternoon before 5 o'clock, and business may be resumed on that bill—as I say, depending upon the circumstances of tomorrow, which we cannot foresee today.

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

Mr. BYRD of West Virginia. I yield.

Mr. GORE. The able Senator has used two terms. He said a moment ago the understanding was that the farm bill would be considered and completed Monday evening and Tuesday evening. Now he says we will take it up Tuesday afternoon. I do not know just what hour constitutes afternoon and what hour constitutes the beginning of the evening. I wish to be here for the consideration of the farm bill.

I understood last week, as the Senator said a few moments ago, that the farm bill would be considered on Monday evening and Tuesday evening, and hopefully completed on Tuesday evening. That is my hope also. I am here Monday evening to proceed with its consideration. I came back from Tennessee for that purpose. I shall return tomorrow afternoon—at least that is my current plan—to begin consideration of the farm bill, according to what I understood was the leadership's plan, though there was no unanimous consent agreement to that effect, at 5.

I arrived at 5 this afternoon. Did I arrive in the afternoon or the evening?

Mr. BYRD of West Virginia. Well, I suppose Socrates was right when he said we should define our terms. I do not think I confused the two terms. I think I indicated that tomorrow, at any time during the early afternoon, we might resume action on the farm bill, if we hope to complete it tomorrow evening.

It was only today that I learned that the Senator from Delaware and the Senator from Illinois would want as much as 1½ hours on the amendment which they intend to offer. I also learned that the Senator from New Mexico (Mr. MONTOYA) has an amendment, and that the best we could do at this point was to get consent to limit debate on that amendment to 3 hours.

If all the time is taken—which I presume it will not be, and hope it will not be—there are 4½ hours on two amendments, and I am advised that there are other amendments, for which we will have an hour each, and 1 hour on the bill.

So if we are to complete action on this bill by tomorrow at midnight, it will have to get started by 5 o'clock, if not earlier; and the leadership does not wish to keep Senators here until midnight.

As things develop, I hope the Senator from Tennessee will not be discommoded, but I do have the duty, I think, of saying to Senators that we could have some action on the farm bill tomorrow at a fairly early hour during the afternoon. To be specific, I would say 2 or 3 o'clock, perhaps.

I see the Senator from Tennessee is smiling; I believe his temper has already cooled.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. WILLIAMS of Delaware. I would like to make a suggestion for the benefit of the Senator from Tennessee, and perhaps of all other Senators.

Why do we not do our legislating in the daytime, when people can see what is going on, and have our filibusters at night? This matter of fiddling around all day looking for speakers, trying to fill up the time until 5 o'clock and legislating after the sun goes down, does not appear to me to be proper. Why do we not start on the farm bill tomorrow morning, and finish it up during the course of the day, and not have to spend the day listening to all these empty speeches which no one else is listening to, and which the speakers do not even want to make? If we did that, I think we could finish up this legislation very quickly.

Mr. BYRD of West Virginia. Mr. President, there are a number of Senators who are here and ready to vote now.

Mr. GORE. Will the Senator note that the senior Senator from Tennessee is here and ready to vote?

Mr. BYRD of West Virginia. The distinguished senior Senator from Tennessee has made clear note of that himself.

Mr. GORE. Mr. President, I would like the record to show that my temporary temper has been thoroughly diffused.

Mr. BYRD of West Virginia. Mr. President, I shall go home this evening feeling much relieved, feeling sure that the Senator from Tennessee will be his usual sweet and agreeable self by this time tomorrow.

ORDER FOR ADJOURNMENT FROM CLOSE OF BUSINESS TUESDAY UNTIL 9:45 A.M. ON WEDNESDAY, SEPTEMBER 16, 1970

Mr. President, I renew my unanimous-consent requests. I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 9:45 o'clock on Wednesday morning next.

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

ORDER FOR RECOGNITION OF SENATORS SCHWEIKER, JAVITS, AND KENNEDY ON WEDNESDAY

Mr. BYRD of West Virginia. I ask unanimous consent that immediately upon the disposition of the reading of the Journal and any unobjected to items on the consent calendar on Wednesday morning, the Senator from Pennsylvania (Mr. SCHWEIKER) be recognized for not to exceed 15 minutes, that he be followed by the senior Senator from New York (Mr. JAVITS) for not to exceed 30 minutes, and that the Senator from New York be followed by the senior Senator from Massachusetts (Mr. KENNEDY) for not to exceed 30 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, so that there will be no misunderstanding, on Wednesday morning, following the disposition of the Journal and following the disposition of unobjected to items on the Legislative Calendar, the Senator from Pennsylvania (Mr. SCHWEIKER) will be recognized for 15 minutes, to be followed by the senior Senator from New York (Mr. JAVITS) for not to exceed 30 minutes, and to be followed by the senior Senator from Massachusetts (Mr. KENNEDY), for not to exceed 30 minutes.

ORDER FOR ROUTINE BUSINESS AND LAYING UNFINISHED BUSINESS BEFORE SENATE ON WEDNESDAY

Mr. BYRD of West Virginia. Following that, I ask unanimous consent that there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, and that, at the conclusion of the period for the transaction of routine morning business, the unfinished business, Senate Joint Resolution 1, be laid before the Senate and made the pending business.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BYRD of West Virginia. 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 9:30 tomorrow morning.

The motion was agreed to; and (at 7 o'clock and 47 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, September 15, 1970, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 14, 1970:

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Roger C. Cramton, of Michigan, to be Chairman of the Administrative Conference of the United States for a term of 5 years, vice Jerre S. Williams, resigned.

U.S. DISTRICT COURTS

Nauman S. Scott, of Louisiana, to be a U.S. district judge for the Western District of Louisiana, vice a new position created under Public Law 91–272 approved June 2, 1970.

NEW ENGLAND REGIONAL COMMISSION

Chester M. Wiggin, Jr., of New Hampshire, to be Federal Cochairman of the New England Regional Commission, vice Stewart Lamprey, resigned.

U.S. ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. John Norton, [redacted], U.S. Army.

IN THE NAVY

The following-named officers of the Navy for permanent promotion as indicated:

Captain, Line

Adams, Richard C.
Adelman, Joseph L.
Adkins, Joe D.
Aicklen, William J., Jr.
Aiken, Robert A.
Akins, Joseph W., Jr.
Alberta, Edward T.
Alexander, Charles S., Jr.
Alford, Zeb D.
Ames, Lionel E., Jr.
Amme, Richard D.
Anderson, Charles R.
Anderson, James L.
Anderson, Richard W.
Ansel, David D.
Appert, Edward P.
Armstrong, Frank D., Jr.
Armstrong, Colin L.
Ashford, Robert "L"
Atkins, Waldo A.
Atkinson, Roy C.
Ayres, James E.
Babineau, Francis E.
Bacon, Francis W., Jr.
Bade, Robert B.
Bagwell, Wallace B.
Bailey, Daniel L.
Bailey, Emera S.
Bailey, George G.
Banks, Daniel L., Jr.
Barber, Albertus V., Jr.
Barksdale, David A.
Barnes, Alan F.
Barondes, Earl D.
Barr, Robert M., Jr.
Barry, James H.
Barton, George E.
Baughman, Fred H.
Baumann, Hugh B.
Baxter, James A.
Beaman, Percy S.
Beck, Lester H.
Beck, William, Jr.
Becker, Terrill F.
Bell, John H.
Benson, Harry L.
Bihr, Richard A.
Bird, Comer H., Jr.
Bivin, Homer R.
Black, Charles H.
Blixt, Melvin D.
Blount, Robert H.
Bodamer, Robert E.
Boger, Clarence E.
Boushee, Frank L.
Bouwman, Fredric G.
Brabant, Robert J.
Bradley, Claiborne S.
Bradshaw, Ray H.
Brady, Robert L., Jr.
Brenner, Thomas B.
Brittain, Thomas B., Jr.
Bromley, Frederick B.
Brooke, Rupert
Broughton, Walter T., II
Brown, Bryan B., Jr.
Brown, Edward J.
Brown, Floyd H.
Brownell, Stuart M.
Brubaker, Donald E.
Brumbaugh, Dale C.
Buck, Edward G.
Bulmer, Robert W.
Burkart, John C.
Burke, Edwin J.
Burke, James A.
Bush, Philip R.
Caine, Arthur D.
Callaway, John D., Jr.
Campbell, Ivan R.
Campbell, Richard D.
Campbell, William M.
Cardillo, Robert J.
Carlquist, Roger
Carman, Warren E.
Carment, Frederick, Jr.
Carpenter, Harold L.
Carr, Herbert W.
Carr, Kenneth M.
Carroll, Kent J.
Carruth, David C.
Carter, Jack L.
Carter, John T., Jr.
Cartwright, Billie J.
Case, Richard E.
Casper, William F., Jr.
Casserly, Christopher J.
Castruccio, Nicholas A.
Chapman, James H.
Chattleton, William D.
Cheek, Glen R.
Chelgren, John L.
Chew, Robert S., Jr.
Chrisler, Robert P.
Christoph, Karl J., Jr.
Chuilli, Ernest J.
Clark, Carroll D.
Clark, William E.
Clay, Harold S.
Clement, Robert R.
Clemente, Angelo E.
Clifford, William F., Jr.
Cocke, Edgar M.
Cockrell, Jack R.
Cole, Kenneth J.
Coleman, Robert G., Jr.
Collins, Robert M.
Conn, Robert H.
Cook, Murray C.
Corley, Frank W., Jr.
Corrigan, Paul T.
Cort, Walter W., Jr.
Counts, Stanley T.
Crabtree, Alan B.
Crane, John W., Jr.
Craven, Phillip R.
Creasman, Jesse C.
Crispin, Robert E.
Crockett, Charles B., Jr.
Cross, William E.
Crowe, William J., Jr.
Cullen, James H.
Cullison, Chester D.
Cummings, Charles W.
Cummings, Edward M., Jr.
Cummins, Peter P.
Curtin, Lawrence J.
Dallmann, Paul H.
Darcy, Robert T.
Davidson, John D.
Davies, James W.
Davis, Cabell S., Jr.
Davis, Ray E.
Davis, Theodore F.
Dedman, Tyler F.
Deffenbaugh, Robert M.
Degler, Forrest R., Jr.
DeMayo, John J., Jr.
Denham, John G.
Denkler, John M.
Denny, Lewis E.
Denton, Jeremiah A., Jr.
Dewenter, John R., Jr.
Dibble, Henry M.
Dickieson, Robert W.
Diffendorfer, Jarl J.
Doescher, Walter W., Jr.
Donaldson, Charles E., III
Donnelly, William N.
Donovan, James A.
Douglass, Robert M.
Douglass, Walter M.
Drake, John F.
Draz, David I.
Durkin, Michael F.
Early, Paul J.
Ebel, Stanley T.
Edwards, George D., Jr.
Eidson, George V.
Ekas, Claude P., Jr.
Ekelund, Kenneth O., Jr.
Eldridge, Richard A.
Elefante, Frank L.
Ellis, Edmund H.
Ellis, Samuel S.
Elmer, Joseph S.
Enright, Robert E.
Estelmann, Hermann J.
Ettinger, Harry E., Jr.
Evans, Jack E.
Evans, Joseph D.
Fargo, Robert R.
Farley, Russell J.
Farris, George W.
Faulkner, Doc G., Jr.
Fay, Lawrence J.
Fenwick, Joseph E.
Ferguson, Robert E.
Fine, Stanley S.
Finneran, John G.
Fischer, David W.
Fisher, James R. M., II
Fisher, John H.
Fiske, Clarence O.
Fitzgerald, Jean
Fleiner, Fred J.
Fogarty, Francis C.
Fortson, Thomas E.
Foster, William L.
Foust, James W.
Fowler, Earl B., Jr.
Foxgrover, James H.
Franz, Donald A.
Fraser, Walter R.
Freeland, Harold H.
Fritz, Charles W.
Frost, Richard A.
Fuller, Jack D.
Gallagher, John J.
Gallagher, Joseph
Gammon, James M.
Gardiner, Richard S.

Garlinghouse, Bruce B.
Gary, Stanley P.
Gauthier, Gene F.
Gay, William W.
Geary, John T.
Geary, Joseph R.
Geary, Mervyn O.
Geiger, Robert K.
George, Robert M.
Gideon, Robert A., Jr.
Gildow, William E.
Gilmore, Frank C.
Ginn, Benjamin F.
Gokey, Noah W., III
Goldman, Peter J.
Gormley, Robert H.
Grantham, Delbert D.
Grause, Jerome E.
Gravely, Samuel L., Jr.
Green, Norman K.
Greene, Wallace A.
Griffith, Harold F.
Grove, George S.
Groves, Thomas E.
Guertin, Louis H.
Gygax, Rex
Haecherl, Frank A.
Haizlip, John W., Jr.
Hallam, Orval K.
Hallett, Oliver S.
Hancock, David L.
Harkins, William D.
Harper, John R.
Harris, William H.
Harris, William L., Jr.
Hart, Harry S.
Harvey, Donald P.
Hathaway, Charles E.
Hattersley, Julian
Haupt, Richard W.
Hayes, James W., Jr.
Haynes, Kenneth G.
Henderson, James R.
Herrick, Carl H.
Herzog, James H.
Hill, Edward C.
Hilton, Robert P.
Himelick, Ronald V.
Hinden, Harry J.
Hinds, Charles D.
Hinkle, William L.
Hodder, Arthur J., Jr.
Hodge, Alan G.
Hoffman, Richard A.
Hoffmann, Henry A.
Hoffmann, Roy F.
Holden, William P.
Holland, John P.
Holm, Kenneth C.
Holmes, Robert E.
Holshouser, Jesse A., Jr.
Holton, Wallace C.
Hoover, Lloyd N.
Horn, Kenneth A.
Howard, Donnell
Howard, John N.
Howe, Thomas
Howell, Raymond S., Jr.
Hudner, Thomas J., Jr.
Hughes, David L.
Hulihan, John W.
Hume, David M.
Hunter, "H" Reid
Hunter, Perry F., III
Irwin, Charles M., Jr.
Jacobs, Richard "B"
Janiec, Roy T.
Jefferson, Harry P.
Jenkins, Harry T., Jr.
Jennings, Verne "H." Jr.
Jensen, John L., Jr.
Jensen, William G.
Jessen, George E.
Jewett, Frederick F., II
Jex, Donald R.
Johnson, Francis A.
Johnson, John R.
Johnson, John D., Jr.
Johnson, Theodore R., Jr.
Johnston, John W.
Jones, Allen, Jr.
Jussel, Alfred R.
Kanak, Robert A.
Karlowicz, Mitchell J.
Keenan, Paul C., Jr.
Keener, Bruce, III
Keller, William F., Jr.
Kelly, Eugene F.
Kelly, Merrill E., Jr.
Kern, John S.
Kidd, John W.
King, John W., Jr.
Kinnear, George E. R., II
Kirk, George G. E.
Kirklighter, James F., Jr.
Kleczewski, Marion J.
Klinefelter, John W.
Knock, Franklin C.
Knueven, William H.
Knutson, Albert E.
Kojm, Leonard R.
Kolda, Frank C.
Korb, Frank J.
Kosnik, Joseph T.
Krebs, Edward C., Jr.
Krejcarek, Donald J.
Krimmel, John E.
Lakey, Keith G.
Lamoreaux, Lewis S.
Lansden, Humphrey B.
Larcombe, Howard N., Jr.
Larsen, Norman E.
Lasseter, Joe F., Jr.
Lebiedz, Edward F.
Leddick, Roth S.
Lee, George H.
Lee, Harry B.
Lee, Robert E.
Lemeshewsky, Andrew A.
Lewis, Chantee
Lewis, John C.
Lewis, William S.
Lindgren, George B.
Lockwood, Warren H.
Longo, Charles R.
Loranger, Donold
Lowans, Warren H.
Lyon, Henry J.
Macomber, Mark M.
Macon, Benjamin H.
Manganaro, Francis F.
Maragos, George
March, George P.
Marsh, Marvin D.
Marsolais, Lawrence D.
Martin, Barney
Martin, James W.
Martin, Samuel A.
Marvin, Stephen D.
Marzluff, Joseph O.
Mathews, John M.
Matthews, Howard L., Jr.
Mattson, Kenneth B.
Maurer, Richard C., Jr.
Mawhiney, William T.
Maxwell, Robert A.
Maynard, Allison L.
McCabe, Robert E.
McCaig, James A.
McCann, Carl J.
McClinton, Robert B.
McConnell, John H., Jr.
McCook, John A.
McCracken, William H.
McCrary, Robert D.
McDaniel, William O.
McDonald, Carlton A. K.
McDonald, Nathan F.
McDonald, Wesley L.
McDonald, William M.
McGill, John C., Jr.
McGonagle, William L.
McGrath, Charles J.
McKenize, William W., Jr.
McLaughlin, Norman H.
McMahon, James P.
McNamara, Thomas W.
Mead, Merle P.
Meyer, Wayne E.
Milligan, Donald F.
Milner, William G.
Mingo, John J.
Mitchell, Eugene B.
Mitchell, Frank A.
Mitchell, John E.
Mixon, Cameron O., Jr.
Monger, Albert J.
Morgan, Clifford L.
Morgiewicz, Daniel J.
Morris, James H.
Morris, Max K.
Moseley, Richard E.
Moss, James L.
Muncie, Maurice O.
Munnikhuysen, Henry F.
Murray, James D., Jr.
Murrill, Robert L.
Mussetto, Bruno
Myers, William A., III
Navarrett, Cleaude, Jr.
Nealon, William G.
Negele, John H., Jr.
Nellis, Donald P.
Nelson, Clifford
Nelson, Perry W.
Netherland, Roger M.
Newcomb, Robert C.
Nivison, William
Nordberg, Delbert W.
Norman, Oliver L., Jr.
Nowers, William E.
Nuss, Jerry J.
Oberg, Owen H.
O'Callaghan, Edmund W.
Olivari, Louis
Orton, Robert D.
Osborn, Neri, III
Osmer, James W., Jr.
Pace, Robert D., Jr.
Packer, Duncan
Paddock, Richard A.
Palmer, Frederick F.
Parish, George, R., Jr.
Pavelle, John J., Jr.
Payne, William E., Jr.
Pehrsson, Pehr H.
Peksa, Charles F.
Peniston, Robert "C"
Peoples, George F.
Perry, Dale S.
Perszyk, Joseph S., Jr.
Peterson, William S.
Phelps, Henry E.
Phillips, Kenneth E.
Pickert, Aloysius J., Jr.
Pierucki, Ervin J.
Pittman, Shelly B.
Pomeroy, Leslie K., Jr.
Porcari, Thomas J.
Poteet, Alonzo M., Jr.
Powell, Robert A.
Prassinos, George
Prisley, John P.
Purcell, Stephen E., Jr.
Pyle, Robert E.
Rae, William C., Jr.
Rank, Cyrus "A"
Rasmussen, John E.
Rauch, Charles F., Jr.
Rawlins, Robert D.
Readdy, Francis J.
Rectanus, Earl F.
Reese, Walter H.
Regan, William F.
Reichwein, Fremont E.
Reilly, Jeremiah D., Jr.
Rex, James F.
Reynolds, Milton L.
Rich, Harold G.
Riehl, Julian W., Jr.
Rigot, William L.
Riley, Edward E.
Roberts, James W.
Roberston, William D. Jr.
Robinson, Winthrop P.
Roche, Robert F.
Rockcastle, Charles H.
Rodgers, Hollis T.
Roemer, Robert F.
Rogers, Harry M.
Rogers, William Haley
Rogers, William Henry
Romatowski, Louis A., Jr.
Ross, Claude M.
Ross, Royal R., Jr.
Ross, Seymour N.
Russell, Paul E.
Russell, Wallace L.
Russell, William M.
Ruxton, Robert T., Jr.
Ryan, Bayliss Q.
Ryder, Donald F.
Saar, Charles W.
Sabin, Nelson
Sallada, William F.
Sanders, James E.
Sante, Robert D.
Sapp, Earle W.
Scappini, Mimo L.
Schaefer, William M.
Schniedwind, Robert F.
Scoggins, Larvin C., Jr.
Scott, Benedict J.
Scott, Robert L.
Searl, Floyd C.
Shanahan, John J., Jr.
Shaver, William M.
Shelton, John P.
Short, Edward A.
Shugart, Kenneth L., Jr.
Shute, John W.
Simons, Joseph T.
Sisson, Luther B.
Slater, Robert W.
Sionim, Charles E.
Small, William N.
Smith, Deming W.
Smith, Donald A.
Smith, George E.
Smith, James V.
Smith, John C.
Smith, John A.
Smith, Meredith A.
Smith, Ralph F.
Smith, Robert S.
Smith, Robert H., Jr.
Smith, Robert P.
Snead, Leonard A.
Snopkowski, Edward L.
Soderholm, Carlton E.
Soper, Malvern E.
Spangenberg, Walter, Jr.
Spann, Willis L.
Spencer, William A.
Spoon, Donald D.
Spry, Warren L.
Stensrud, John D.
Stevens, Jack M.
Stewart, Richard C.
Stilwell, Edward P.
Stobie, Edwin F.
Stockdale, James B.
Stokes, Robert E. L., Jr.
Stone, Robert S.
Stone, Troy E.
Strayve, Jerome R.
Strong, James T.
Styer, Robert T.
Swainson, Gustav F. Jr.
Tarpey, John F.
Tate, Hugh J.
Taylor, Boone C.
Taylor, David J.
Taylor, Dean, Jr.
Teasley, William A., Jr.
Tedholm, Charles E.
Tegfeldt, Carl G.
Terry, Harold L.
Thede, William L.
Thomas, Edward W.
Thompson, Robert H.
Thorson, Robert L.
Thummel, Gerald F.
Thurtell, Frank A.
Timidaiski, James T.
Toohill, Donald L.
Toole, Wycliffe D., Jr.
Townes, John W., Jr.
Trahan, Paul K.
Train, Harry D., II
Trott, Robert J.
Trout, Roscoe L.
Tucker, Ralph M.
Ulbright, Frederick W.
Underwood, John "L," Jr.
Urban, Henry, Jr.
Urbanczyk, Louis T., Jr.
Vail, Malcolm E.
Valley, James R.
Van Lunen, Lloyd M.
Van Sickle, John R.
Van Tuyl, Andrew J., Jr.
Vecchione, Felix S.
Vermilya, Jay "J"
Vermilya, Robert S.
Volk, Ralph L., Jr.
Vollertsen, Russell A.
Vollmer, Cecil R.
Von Schrader, Chandler L.
Wadsworth, Dwight
Waits, Jack E.
Walker, Grant J.
Walker, Grover C., Jr.
Waller, Edward C., III.
Walsh, Francis R., Jr.
Ward, "J" "D"
Warriner, Victor G.
Watkins, James D.
Watkins, Robert W.
Weaver, Keith T.
Weeks, Robert E.
Weidman, Robert M., Jr.
Welch, Edward F., Jr.
Wellons, Alfred G., Jr.
Wells, Donald M.
Wells, John T.
Wells, John W.
Wells, John T.
Wenger, Donald B.
Wenzel, Harold F.
Westmoreland, Arthur E.
Whaley, Lucien O. G.
Wicks, William F.
Williams, Bernard P., Jr.
Williams, John G., Jr.
Wilson, James G.
Wilson, Kenneth E., Jr.
Wineman, Gordon L.
Winkler, Cornelis, Jr.
Woodard, David A.
Woods, William L., Jr.
Wurlitzer, Robert E.
Wyand, Donald M.
Yates, Andrew J.
Yates, William K.
Youngblade, Charles J.
Zebrowski, Walter T.
Zenni, Martin "M"
Zinsler, Frank G.

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Abe, Henry H.
Abercrombie, Jerry T.
Adamson, Edwin C., Jr.
Addams, John F.
Adler, Ronald E.
Adorney, Frank
Agnew, Dwight M., Jr.
Aitcheson, George A., Jr.
Albee, Thomas L., Jr.
Albers, Wiliam P.
Alberts, Richard P.
Albertson, William H.
Albright, Richard K.
Alderson, James M.
Alexander, Marvin W.
Alexander, Charles F.
Alexander, Adelore L.
Alford, William J.
Alldredge, Donald L.
Allen, George W.
Allingham, James R.
Allison, Arnold W.
Almberg, Francis J.
Altmeyer, John M.
Alvarado, Ramon C.
Ammann, Robert E.
Ammerman, Cleil N.
Amor, Raymond C.
Amoruso, Alfred P.
Anderson, Curtis O.
Anderson, Daniel W.
Anderson, Eugene G.
Anderson, Forrest P.
Anderson, Joseph F.
Anderson, Richard N.
Anderson, Stephen P.
Anderson, Thomas F.
Andrassy, Michael F.
Andre, Andrew L.
Apted, George L.
Armstrong, Stephen O., Jr.
Arnold, Robert B.
Artz, Robert C.
Asbacher, Martin A., Jr.
Aschenbeck, Gene W.
Ash, Leonard "C"
Ashley, Bruce H.
Asman, Robert K.
Atherton, Raymond
Atkinson, Gerald L.
Atkinson, Robert J.
Atwood, Henry C., Jr.
Augustine, Grant, III
Austin, James W.
Austin, Robert C.
Aut, Warren E.
Avrit, Richard C.
Babcock, Donald E.
Backes, Ronald J.
Bailey, Gail R.
Bailey, George T.
Baker, Robert O.
Balderston, Buele G.
Baldwin, Charles C.
Ball, Courtland D., III
Ballou, Lawrence D.
Banham, Herbert G., Jr.
Banks, Sidney M.

Barber, William H.
Bardecki, Frank J.
Barke, Arthur R.
Barker, George D.
Barker, William S.
Barkley, James F.
Barlow, James D.
Barnes, Harold
Barnes, William M.
Baron, Charles R.
Barrett, Thomas D.
Barry, John M.
Barry, Thomas M.
Barth, Joseph J., Jr.
Bartlett, Frederick R.
Basford, Michael G.
Bassett, Bradley A.
Bassett, Melvin S.
Bauchspies, Rollin L., Jr.
Bauer, Bruce A.
Bauman, James R.
Baumgardner, John F.
Bayer, David A.
Bayne, John P.
Beaulieu, Reo A.
Beaumont, Eugene A. G.
Beaver, Alfred S.
Beaver, John T.
Beck, Donald A.
Beck, John L.
Beck, Walter R.
Beck, William H.
Becker, Glynn R.
Beckwith, Gilbert H.
Beers, Robert C.
Beeton, Harvey J.
Behnken, Clifford R.
Behrle, Walter F.
Beisel, Gerald W.
Bekkedahl, Clifford L.
Belay, William J.
Belechak, Stephen C.
Bell, Bill J.
Bell, James F.
Belton, Jack G.
Benner, Leslie W., Jr.
Bennie, Donald B.
Bentley, William C.
Berg, Robert L.
Bergbauer, Harry W., Jr.
Berger, Ronald A.
Berglund, Lester W., Jr.
Berkhimer, Frank R.
Bernardin, Peter A.
Berry, James L.
Berry, Richard C.
Berry, William H.
Berthe, Charles J., Jr.
Besio, Louis F.
Best, Eddie F.
Beuris, Charles B.
Biasi, Nestore G.
Biggar, William
Billerbeck, Henry G.
Billeter, John L.
Bilyeu, Roland C.
Bingham, Joseph L.
Bird, Charles F.
Bird, Joseph W., Jr.
Bishop, Richard D.
Bittick, Marshall V., Jr.
Bivens, Arthur C.
Bjork, Kenneth S.
Blackington, Richard N.
Blackwell, Jack L., Jr.
Blackwood, Robert G.
Blaes, Carl E.
Blaes, Richard W.
Blaine, Thomas E.
Blanchard, Robert C.
Blandine, Robert E.
Block, Stanley H.
Block, Steven
Blouin, Stanley G., Jr.
Blundell, Peveril
Boaz, George L.
Bock, "E" James
Boggs, Steve V.
Boland, Bruce R.
Bolerjack, Robert C.
Bolster, Harry E.
Bordone, Richard P.
Borthwick, Robert B.
Bosworth, Thomas C.
Botshon, Morton.
Bottenberg, Foster L.
Botts, Ronald H.
Bowen, Thomas J.
Bowling, Charles R.
Bowling, David H.
Bowling, Roy H.
Bowman, Frank S.
Boyd, John H., Jr.
Boyer, Walton T., Jr.
Boyer, William E.
Boyett, Stephen G.
Boyle, Darrell D.
Boyle, Henry F., Jr.
Bozell, Rex K.
Brabec, Richard C.
Brackin, John D.
Bradbury, John I.
Braden, Melvin E., Jr.
Bradley, David W., Jr.
Bradley, Donald C.
Brammeier, Charles L.
Bravence, John, Jr.
Breaux, Fred J., Jr.
Bredestege, Joseph J., Jr.
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Britton, William L.
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Brown, Charles E.
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Brown, Donald D.
Brown, Frederick P.
Brown, George P.
Brown, Kenneth R.
Brown, Larry J.
Brown, Robert H.
Brown, Robert C., Jr.
Brown, Thomas F., III
Brown, Walter H., Jr.
Browning, Robert B.
Browning, Siras D.
Bruce, George W., Jr.
Bruley, Kenneth C.
Brummage, Richard L.
Brunell, James I.
Brunson, Wright "A", Jr.
Buc, Gerald G.
Buchanan, Edward O.
Bucher, Lloyd M.
Buchholz, Philip P.
Buckley, James R.
Buckley, John E.
Bueck, Robert K.
Bull, Joseph L., III
Bull, Norman S.
Bullman, Howard L.
Burgess, James A.
Burke, Robert M.
Burkhardt, Lawrence, III
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Burnett, William M.
Burnham, Don E.
Burns, Richard F.
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Burrows, Hubbard F., Jr.
Burtis, Evenson M.
Busey, James B.
Bushong, Brent
Butcher, Paul D.
Butler, Harold E.
Butler, William S.
Butrym, Stanley B., Jr.
Byberg, Robert C.
Byington, Melville R., Jr.
Byrd, Mark W.
Byrne, John A., Jr.
Cabot, Alan S.
Caldwell, Charles B., II
Calhoun, William B., III
Cameron, Clifford R.
Cameron, Norman A.
Cammall, John K.
Campbell, Donald S., Jr.
Campbell, Hugh J., Jr.
Campbell, John F.
Campbell, John A.
Campbell, James B.
Campbell, Jack
Campbell, Michael J.
Campbell, Robert J.
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Cane, Guy.
Cane, John W.
Cann, Tedford J.
Cann, William A.
Cannell, Donald T.
Canon, George A., III
Canter, Howard R.
Carelli, Francis L.
Carl, William T.
Carlin, Robert J.
Carlson, Olof M., Jr.
Carmody, Cornelius J.
Carnevale, Angelo M.
Carosia, Joseph J.
Carothers, Philip "F", Jr.
Carpenter, Walter H.
Carr, John H.
Carr, Nevin P.
Carr, Roland J.
Carrington, James H., Jr.
Carroll, James F.
Carter, Gerald M., Jr.
Carter, James D.
Carter, Robert D.
Carter, Winfred G.
Carterette, Robert T.
Case, Robert W.
Cash Eugene J.
Casimes, Theodore C.
Cassen, John S., Jr.
Cassidy, Thomas J., Jr.
Castro, William B.
Cate, Thomas R., Jr.
Cavicke, Richard J.
Cavitt, William M.
Chambers, Donald R.
Chapdelaine, Jerrold E.
Charest, Philip G.
Cheney, Donald A.
Chidley, Ralph E.
Chin, Donald
Chisholm, George E., II
Christensen, Raymond J.
Christon, Paul W.
Cisson, Arthur
Clark, Charles R.
Clark, Charles F., Jr.
Clark, Lynn R.
Clark, Philip K.
Clark, Richard G.
Clark, Robert A.
Clarkin, James J.
Clemens, Eugene M.
Clemens, Paul E.
Clements, Billy R.
Clew, William M.
Cloud, Benjamin W.
Coakley, Walter J., Jr.
Cochrane, James H.
Coe, David C., Jr.
Coe, Raymond P.
Colbus, Louis
Cole, Thomas T., Jr.
Cole, William S., Jr.
Coleman, James O.
Coleman, Richard F.
Coleman, Thomas R.
Colgan, John G.
Collier, Byron H.
Collins, Edward P.
Collins, Ferdinand I., Jr.
Collins, Philip K.
Combs, Martin F.
Compton, Charles R.
Conaughton, Robert G.
Conboy, Thomas W.
Conklin, Robert B.
Connelly, John G.
Conner, Lawrence O.
Connolly, Paul P.
Connolly, Timothy W.
Conroy, Robert O.
Coogan, Richard D.
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Cook, Russell A.
Cook, Vernon H., Jr.
Cooley, Charles H.
Cooper, Andrew N., Jr.
Cooper, Robert G.
Cooper, Tommy G.
Copeland, Edward C.
Coppess, Robert Y.
Corbett, Eugene A.
Corey, Stuart M.
Corkhill, Thomas M.
Corley, Bennie L.
Cornell, Gordon C.
Corrado, Robert J.
Coskey, Kenneth L.
Coston, Stanford W., Jr.
Cotton, Alfred S.
Coughlin, Eugene F.
Coughlin, Paul G.
Courtney, Charles H.
Cowan, Daniel R.
Cox, Gerald W.
Crabb, Eugene V.
Crain, James D.
Crandall, Alan W.
Crane, Herbert C.
Crane, Leonard B., Jr.
Crater, Ray F.
Craven, Robert C. E.
Crawford, Bobby C.
Crawford, Kerrins M.
Crawford, Nace B., Jr.
Crawford, Roderick P.
Crawford, William T.
Crayton, Render
Cricchi, John V.
Crinklaw, Douglas L.
Crockett, Thomas L.
Croom, William H., Jr.
Cross, Charles H.
Crosson, Harry E.
Cryer, John P.
Cuccias, Leo P.
Culbert, Joseph M., Jr.
Cunningham, Marshal E.
Cunningham, Edward F.
Curl, Kent W.
Currier, Richard A.
Curry, Thomas L.
Curry, Thomas E.
Cutchen, Paul O.
Czaja, Bernard F.
Dagdigian, James J.
Daigneault, Joseph J., Jr.
Daily, Hubert D., Jr.
Daleke, Richard A.
Dalla-Mura, Bart M., Jr.
Dally, David F.
Dalton, Charles W.
Dalton, Richard V.
Daly, Paul S.
Daly, Richard G.
Damico, Richard J.
Damon, Terry A.
Dana, John B.
Dancer, Jerry D.
Daniels, James M.
Daubenspeck, Richard E.
Davenport, Philip C.
Davey, John R., Jr.
Davis, John B.
Davis, Noble J., Jr.
Davis, Ralph G.
Davis, Richard H.
Davis, Robert C., Jr.
Davis, Robert H., Jr.
Davis, Russell E.
Davis, Walter J.
Deal, Walter C., Jr.
Deam, Norman A.
Dean, Herbert J.
DeHart, William
DeHart, William
Deibert, Bernard N.
Delaney, John R.
De Loach, John W.
DeMaris, Darryl A.
Demmin, Lester F.
Dempsey, Gerald M.
Dennison, William E.
Derda, James R.
Derr, John P.
Desrocher, Marvin P.
Desseyn, Maurice H.
DeTonnancourt, Arthur E.
Deuel, Jamieson K.
Devereaux, John R., Jr.
DeVries, Edgar L.
Dey, Gordon J.
DiCarlo, Vincent A.
Dick, Joseph L.
Dickman, Jerry A.
Dickson, George K.
Dickson, John A.
Diehm, William C., III
Dierdoff, Loren M.
Diesel, Charles N.
Dietz, Richard J.
DiGiacomo, Joseph G.
Diley, Lewis E.
Dillingham, Paul W., Jr.
Dillon, Alfred J.
Dillon, John F.
Dimon, Charles G. Jr.
DiPace, Joseph V.
Divelbiss, Dallas R.
Dobyns, John E.
Dodds, Robert M.
Domingue, William A.
Donaldson, Robert S.
Doney, Robert G.
Donnell, Joseph S., III
Donnelly, Richard F.
Donnelly, Raymond D., Jr.
Donnelly, Robert G.
Donnelly, Verne G.
Donohue, David P.
Donovan, Daniel E.
Donovan, James F.
Donovan, Philip C.
Doolittle, James E.
Doroshuk, John, Jr.
Dorsey, Arthur G., Jr.
Doucet, Richard E.
Douglas, Jack R.
Douglass, James G., Jr.
Dowd, Francis X.
Dowds, Donald H.
Dowe, Robert M., Jr.
Dowe, William J., Jr.
Downing, Thomas P.
Downs, James R.
Drain, John F.
Drayton, Henry E., Jr.
Drees, Morris C.
Drenkard, Carl C.
Drew, Russell C.
Drummond, Scott E., Jr.
Dubino, Andrew D.
Du Charme, George W.
Duff, Robert G.
Dugan, Richard F., Jr
Duhrkopf, Don J.
Duke, Marshal D., Jr.
Duke, Robert J.
Dunaway, John A., Jr.
Dunkin, Ray L.
Dunlop, Thomas E.
Dunn, John F.
Dunning, James A.
Durant, Michael
Durant, Thomas W.
Durbin, Peter
Easton, Ervin R.
Easton, Peter B.
Eckart, James H.
Eckerd, Kenneth C.
Eckhouse, Morton A.
Ediin, Robert L.
Edwards, Donald L.
Edwards, Jerry J.
Edwards, William R., Jr.
Eels, William R., Jr.
Ehl, James W.
Eichinger, Joseph C.
Eidsmoe, Norman E.
Elder, Ralph C.
Eldridge, David B., Jr.
Elliott, Donal W.
Elliott, Jack "B"
Elliott, Orville G.
Ellison, John C.
Elmore, John E.
Elster, James M.
Emerson, Jesse R., III
Emerson, John R.
Engelbrecht, Richard H.
Englander, Owen
English, Francis W., Jr.
Erickson, William K.
Evans, Boyce "D"
Evans, George J.
Evans, Richard B.
Evans, Robert C.
Evans, Thomas B.
Evans, Thomas G.
Everett, Lauren R.
Evrard, William E.
Eyres, Thomas D.
Falconer, Alastair S.
Fall, David R., Jr.
Farber, Karl H.
Farnham, Charles G.
Faron, John F.
Farris, Don M.
Feeks, Edmond M.
Fellows, Charles D.
Felt, Donald L.
Felt, Joseph A.
Felter, John F.
Feltham, John C., Jr.
Fenn, Dan E.
Ferguson, David E.
Fergusson, Ernest W.
Ferrazzano, Fred J.
Fiedler, Peter B., Jr.
Fields, James E.
Fields, William B.
Fiene, Donald F.
Filkins, William C.
Filteau, George L.
Fink, Jerome I.
Finneran, William J.
Finney, Jack L.
Fischbein, Ernest
Fischer, David H.
Fischer, Edward J.
Fisher, John C.
Fitzgerald, Thomas W., Jr.
Fitzgerald, David E.
Flaherty, Robert M.

Flatley, John E.
Fleming, Raymond T., Jr.
Fletcher, John G.
Fletcher, William B., III
Flom, Hewitt O.
Florin, Donald E.
Foard, Wyatte F., Jr.
Folta, Daniel A.
Fong, Chong S.
Forbes, Donald L.
Forsman, Arvid E.
Forsyth, James P.
Fossum, Paul G.
Foster, Clifton G., Jr.
Fountain, Robert R., Jr.
Fox, Charles W., Jr.
Francke, Robert L.
Frank, Benjamin L.
Frankenfield, Robert T.
Fraser, George K., Jr.
Fraser, Robert "E."
Frecker, David A.
Frederick, John L.
Freeman, Linus W., Jr.
Freeman, Robert W.
French, Henry A.
Freund, Herman C.
Frick, Joseph F.
Frick, Walter B.
Friddle, Frank R., Jr.
Friese, George A.
Friesen, Floyd A.
Fryberger, Elbert L., Jr.
Frye, Thomas A. W.
Fudge, David A.
Furey, Laurence T.
Furmanski, John A.
Gall, Duane M.
Gallagher, Hugh L.
Gallotta, Albert A., Jr.
Gallup, Shelley P.
Gandy, John D.
Garcia, William V.
Gardenier, Robert R.
Gardner, Ruel E.
Garlitz, Jerry E.
Garner, William D.
Garrett, John E.
Gaskill, Richard T.
Gatewood, Tommy L.
Gavazzi, Robert R.
Geary, Jack E.
Gehring, Donald H.
Gennette, Robert L.
Geronime, Eugene L.
Gerow, Francis W.
Gherrity, Patrick F.
Gholson, Daniel H. L.
Gibber, Philip "F"
Gibson, Robert B., Jr.
Gigliotti, Felix P.
Gildea, Joseph A.
Gillham, Richard D.
Gilmore, Arthur H.
Gilmore, Joseph M.
Gilroy, John W., Jr.
Giovanetti, William C.
Glade, Gerald L.
Glaves, Robert H.
Glazier, Alvin S.
Gleason, Joseph P.
Gleim, James M.
Glover, Albert K., Jr.
Glover, Dennis C.
Glovier, Harold A., Jr.
Glunt, David L., Jr.
Goddard, Thomas B.
Godfrey, Forrest J.
Goldner, Robert R.
Goll, Gerald E.
Gomer, August W.
Gonzalez, Alfred H.
Good, Robert C.
Good, Ronald P.
Gooden, Richard O.
Goodman, Kelsey B.
Gore, James R.
Goschke, Erwin A.
Gowing, Richard M.
Gradel, Robert
Graf, Frederic A., Jr.
Graham, Robert F.
Graham, Sidney R.
Grantman, Roger H.
Graveson, George L., Jr.
Gray, Basil F., Jr.
Greeley, Michael T.
Greene, George W., Jr.
Greene, William F.
Greer, Marvin S., Jr.
Greer, Wayne C.
Greer, William E., III
Gregory, Donald G.
Gregory, George B.
Greiwe, William H.
Gress, Donald H.
Grich, Richard J.
Griffith, Webster
Griffiths, Rodney D.
Griggs, Norman E.
Grose, Robert H.
Guess, Malcolm N.
Gunn, Max C., Jr.
Haas, Kenneth R.
Hackney, Benjamin F. III
Hagberg, Roy V.
Hager, Charles F.
Haggquist, Grant F., Jr.
Hagmann, Albert P.
Hahn, Frederick, Jr.
Hall, John V.
Halladay, Maurice E.
Halle, "S" Portland, III
Halverson, Richard K.
Hamel, James K.
Hamel, Louis H., III
Hamilton, Clyde E.
Hamilton, Glenn D.
Hamlin, Andrew L.
Hamm, Clement D., Jr.
Hammock, John W.
Hammond, Russell, Jr.
Hampton, Winfred F., Jr.
Hamrick, Franklin G.
Hangartner, Lyle G.
Hanigan, Marvin F.
Hankins, Elton E.
Hannula, Brian K.
Hansard, Stonewall
Hansen, Rodney V.
Hargrave, William W., Jr.
Harlow, David L.
Harmon, James O.
Harms, Stanley J.
Harness, William D.
Harney, Russell F.
Harns, John H.
Harper, George T., Jr.
Harper, William W.
Harris, Jack R.
Harris, James W.
Harris, James W.
Harris, James C.
Harrison, Stuart E.
Harrop, Robert D.
Hartley, John D.
Hartman, Gerald A.
Hartranft, Richard J.
Hartzell, Robert H.
Harvey, Donald L.
Harwood, John B.
Hassett, Joseph K.
Hatch, Harold G.
Hatcher, Robert E., Jr.
Havens, Stanley L.
Havird, Lloyd B.
Hawk, Arthur L.
Hawkins, Cecil "B", Jr.
Hawkins, Richard M.
Hay, James C.
Hayes, Albert M., Jr.
Hayes, Fay C.
Hayes, Francis X.
Hayes, James C.
Hayes, Jerome B.
Hays, Estel W.
Haywood, Jesse H.
Headland, Carl B.
Hebbard, Leroy B., Jr.
Hecker, Stanley
Heft, James O.
Helgemoe, Raymond A.
Helgeson, Harry E., Jr.
Hellinger, Richard L.
Helm, George N., Jr.
Helms, Harlie B., Jr.
Helms, Raymond E., Jr.
Helms, Ronald L.
Hendrick, David R.
Hendrickson, Claude F., Jr.
Hendry, James D.
Henifin, Edward E.
Hennessey, Aloysius G., Jr.
Henson, George M.
Henson, James D.
Henson, John M.
Herberger, Albert J.
Hernan, Peter J.
Herndon, Franklin C., Jr.
Herring, Edwin L.
Herzer, Oscar A.
Heyl, William E.
Heyward, Irvine K., IV
Hickey, Edward J., Jr.
Hicks, Dilliard D., Jr.
Higginbotham, Allen B.
Higgins, Byron R.
Higgins, Hugh W.
Higgins, John F.
Higgins, Richard G.
Higgins, Thomas G.
High, James T., Jr.
Highfill, Kenneth L.
Hilder, Leonard O., Jr.
Hill, Frank W.
Hille, Edward W.
Hinden, Stanley
Hinkle, David R.
Hinman, Albert H.
Hipp, Ronald N., Jr.
Hoch, John E., Jr.
Hodge, Sidney T.
Hodson, Theodore L.
Hogan, Edward J., Jr.
Hogan, Thomas W., Jr.
Hogan, Walter V.
Holbert, William H., Jr.
Holcomb, Gordon B.
Holcomb, "M" Staser
Holder, Luther C.
Holland, Elbert R.
Hollen, Frederick M.
Hollenbach, William T.
Hollenbach, Richard G.
Hollingworth, Roy M.
Holly, Daniel T., Jr.
Holmes, James W., Jr.
Holt, Henry C., IV
Hooper, Benjamin F.
Hoover, John S.
Hope, Edgar G., Jr.
Hope, Herbert A., Jr.
Hopper, Thomas M.
Horan, Robert A.
Horner, John, Jr.
Horowitz, Charles L.
Horowitz, Norman
Horton, Robert L.
Horwath, William J.
Hosepian, Edward S.
Hoskins, Bill J.
Hoskovec, William B.
Hostettler, Stephen J.
House, Edward C.
Houston, Albert W.
Howard, Albert W., Jr.
Howard, Donald L.
Howard, Joseph B.
Howell, Roswell L.
Howey, Robert E.
Hoye, James M., II
Hoyt, Richard L.
Hryskanich, Paul L.
Hubal, Augustine E., Jr.
Hubbard, Clifford R., Jr.
Hubbard, Henry L.
Hubbard, Samuel W., Jr.
Hubbell, Walter B.
Hudgins, Thomas B.
Hughes, Kenneth P.
Hughes, Ronald E.
Huisman, Roland K.
Hukill, Henry D., Jr.
Hull, Fred A.
Hull-Ryde, Donald
Humber, Marcel B.
Humphreys, Felton "M", Jr.
Hunter, Charles B.
Hunter, William J.
Hunter, William G.
Hurd, John B.
Hurley, Robert J.
Hurt, Jonathan S.
Hussey, William T.
Hyman, Arnold J.
Ike, Robert C.
Ingraham, Talcott L., Jr.
Ireland, Blair
Isaacks, Marion H.
Isaacs, Allen L.
Ives, Richard H.
Jackson, George L.
Jackson, Nelson P.
Jackson, Robert S.
Jacob, Robert E.
Jacobs, Edward J.
James, Joe M.
Jameson, Henry C., Jr.
Jasper, Charles R.
Jefferis, Allen S.
Jefferson, Robert R.
Jellison, Robert K.
Jenkins, Folsom
Jensen, Carl T.
Jewell, Robert W., Jr.
Jobe, James E.
Johnsen, Roy M.
Johnson, Alfred C., Jr.
Johnson, Arne C.
Johnson, Billie D.
Johnson, Eldon D.
Johnson, Emil L.
Johnson, Oren D.
Johnson, Theodore F.
Johnson, William T.
Johnston, Fox H.
Johnston, Fred W., Jr.
Johnston, George T.
Johnston, James I.
Jolliff, James V.
Jonasz, Fredric
Jones, Donald W.
Jones, Donald S.
Jones, Henry R.
Jones, James F.
Jones, Jerry D.
Jones, John L.
Jones, Robert H.
Jongewaard, Larry L.
Jorgensen, Charles J., Jr.
Joy, Bernard I.
Joy, James A.
Juergens, John G.
Kaiser, Dean E.
Kaiser, Gilbert J.
Kaltenborn, James C.
Kane, Charles K.
Karge, Ronald E.
Karpaitis, Anthony J.
Kastelein, Cornelius
Kattmann, Roger H.
Kauderer, Bernard M.
Kavanagh, Robert G.
Kearns, William A., Jr.
Keely, Leroy B.
Keenan, Richard L.
Keene, Glenn F.
Keene, Thomas J.
Keener, John I.
Keery, Jerry L.
Keimig, Allen D., Jr.
Keith, Harold S.
Keith, John D.
Kieth, William H.
Kellaway, Peter W.
Kelleher, Thomas A., Jr.
Kelley, Alfred G., Jr.
Kellogg, Edward S., III
Kelly, James F.
Kelly, John S.
Kendrick, William O.
Kennedy, Jack M.
Kennedy, William E.
Kephart, Robert D.
Ketzner, Harry T.
Kiddle, Bradley D.
Kiehl, Richard L.
Kiernan, Warren R.
Killian, Donald J.
Kilty, Lawrence R.
Kimzey, Walter F.
King, Edward L.
King, John E., Jr.
King, Richard B.
Kingsley, Stephen S.
Kinley, Frederic H. M.
Kinnaird, Martin J.
Kinsley, Harry W., Jr.
Kirksey, Robert E.
Kish, Steven E.
Klar, Norman
Klee, Robert E.
Klein, Verle W.
Kline, Arlington N.
Klusmann, Charles F.
Knapp, Franklin P.
Kneisl, John F.
Knepper, Donald E.
Knerr, Donald O.
Knight, Charles H.
Knight, Cecil F.
Kniss, Donovan E.
Knowles, George I.
Koci, Vaclav H.
Kollmorgen, Frederick J.
Kother, Charles G.
Kowalskey, Zygmont J., Jr.
Kratz, Marshall L.
Kraus, Kenneth E.
Kretzschmann, Curt H.
Krumwiede, Jerold L.
Kuffel, Robert W.
Kugler, Kenneth D.
Kugler, Valarius E.
Kujawski, Theodore D.
Kunkler, Hilary G.
Kunstmann, Clarence M.
Kurth, Ronald J.
Kurzenhauser, Alfred
Kuttler, Manford D., Jr.
LaBarre, Richard E.
Lage, Robert L.
Lahr, John J.
Laib, Ernest E., Jr.
Lake, Walter W.
Lamb, David C.
Lamm, William A.
Lamore, James F.
Landers, John D.
Landers, Robert J.
Landersman, Stuart D.
Lang, James M.
Lange, Kenneth B.
Langelier, Wilfred E., Jr.
Langford, George R.
Langrind, Roy G.
Lardis, Christopher S.
Larson, Ralph S.
Lashbrook, Durwood E.
Latham, William B.
Latta, Robert L.
Lauber, Ronald M.
Lauer, William C.
Laughlin, Gerald F., Jr.
Laurentis, William D., Jr.
Laurienzo, Robert L.
Lavender, Robert E.
Lawler, Frederick W.
Lawler, James C.
Lawler, William A.
Lawless, Spencer C.
Lawrence, Donald S.
Leach, Donald B.
Leaman, Richard E.
Learned, Charles W., Jr.
Leavitt, Horace M., Jr.
Lechner, George B.
Leckie, William O., Jr.
LeClerc, Raymond P.
Lee, Melvin R.
Leedom, Clair E., Jr.
Leenerts, Rolland E.
Leibel, Robert J.
Lemmon, Virgil J.
Lenahan, Robert P.
Lenardi, Donald M.
Lent, Willis A., Jr.
Leonard, John D., Jr.
Leonard, Robert W.
Leonhardi, Roger L.
Leslie, Richard
Levenson, Lee E.
Levey, Sanford N.
Lewis, Dewey T.
Lewis, Jesse W., Jr.
Lewis, Joseph C.
Lewis, Robert
Lewis, Willis I., Jr.
Lichlyter, Stanford E.
Lietzan, Ernest W., Jr.
Lightsey, Elvin G., Jr.
Limbaugh, Harold D.
Limerick, Christopher J., Jr.
Limroth, David F.
Lina, Robert A.
Lindsay, Gilbert M.
Lindsay, Robert B.
Lindsay, Thomas L.
Livingston, Robert N.
Lloyd, Theodore L., Jr.
Locke, Barrie B.
Lodge, Billups E.
Loeffler, William H.
Logan, Joseph B.
Lohr, Chester H.
Longman, Richard D.
Loomis, Robert R.
Lorden, Lawrence R.
Lott, Carl D.
Lott, William A.
Lotze, Herbert E., Jr.
Lough, Gordon K.
Lowry, George C.
Lucken, Frank E.
Ludwig, George E.
Lunday, John W., III
Lynch, William A.
Lynch, Will T.

Lyon, Peter W.
Lyons, Philip
MacAdam, William F.
Macaulay, Angus
MacClary, David B.
Machak, Peter N.
Mack, Chester M.
Mack, John
Mack, Robert P.
Mackinnon, James C., III
Maddox, Iven J.
Madigan, James A.
Mahony, Wilbur J.
Maier, William J., Jr.
Mallinson, William K.
Mallory, John S.
Mangin, Joseph N., III
Mann, Horace D., Jr.
Mares, James A.
Markoskie, John V.
Marks, Stanley J.
Marriott, Jack L.
Marsh, Alvin "F"
Marsh, Lee S.
Marsha, Patrick P., Jr.
Marshall, John T., Jr.
Marshall, Jack L.
Marshall, Norman G.
Martin, Alan F.
Martin, Charles W., Jr.
Martin, Edward H.
Martin, James K.
Martin, Robert C.
Martinez, Lucian C.
Martini, Richard A.
Mason, Ralph A., Jr.
Mason, Ralph S.
Massey, Roger A., Jr.
Masterson, Kleber S., Jr.
Matais, George R.
Mathews, Donald R.
Mathews, Donald W.
Mathews, Robert D.
Mathews, Thomas H.
Mathis, Harry L., II
Matthews, Paul C., Jr.
Matthews, William B., Jr.
Mattson, Donald J.
Mauldin, Richard A.
Maxwell, John A.
May, Robert E.
Mayberry, Thomas A., Jr.
McAdoo, William C.
McAlevy, John H.
McArdle, Stephen J., Jr.
McCabe, Billy E.
McCaffree, Burnham C., Jr.
McCall, Walter H.
McCanna, Marvin G., Jr.
McCardell, James E., Jr.
McCarthy, Gerald D.
McCarthy, Paul F., Jr.
McCarthy, Thomas W.
McCartney, Rodney F.
McCarty, Charles M.
McClellan, Parker W.
McClellan, Billy L.
McClenahan, Richard M.
McComb, Robert B.
McConnell, Donald L.
McConnell, Cyrus, Jr.
McCracken, John L.
McCrane, Brian P.
McDaniel, Johnny B.
McDonald, Raymond T.
McDowell, Curtis G.
McDowell, Don H.
McGathy, Charles L., Jr.
McGonagill, Eber C.
McGrath, James W.
McGrath, William D.
McGuiness, Donald A.
McIntyre, James G.
McKay, John H.
McKay, Robert W.
McKee, George R., Jr.
McKenna, Patrick
McKenzie, James A., II
McKenzie, Jon C.
McKinster, James W.
McLaird, Preston, Jr.
McLaughlin, Bernard R.
McLendon, Millard S.
McLuckie, James D.
McMahon, Thomas J.
McMurtray, Robert A., Jr.
McNett, William T.
McNulty, James F.
McQuesten, John T., Jr.
McVay, Donald H., Jr.
McWalters, William A., Jr.
Melton, Edward C., Jr.
Melville, Noel
Meredith, Stuart T.
Merget, Andrew G.
Merkler, George J.
Merritt, Robert L.
Merwin, Paul L.
Mesler, Robert A.
Metzler, Donald M.
Meyer, Donald J.
Mhoon, John E.
Milano, Vito R.
Millen, Thomas H.
Miller, Blount R., Jr.
Miller, Bryce N.
Miller, Curtis W., Jr.
Miller, Hal Y., Jr.
Miller, Kenneth F.
Miller, Raleigh B., Jr.
Miller, Robert R.
Miller, Ronald C.
Millman, Larry
Mills, James P. W.
Mills, James R.
Minetti, Bernard L.
Mitchell, Carroll K.
Mitchell, Donald F.
Mitchell, Jerry L.
Mitchell, Joseph S.
Mitchell, Robert C.
Mock, Roy L.
Mode, Paul J.
Monaghan, James J.
Monroe, Edward H., Jr.
Monroe, William D., III
Montross, Robert W.
Mook, Joseph
Mooney, John B., Jr.
Moore, Clarence E.
Moore, Earle G.
Moore, Hugh A.
Moore, Johnnie R.
Moore, John R.
Moore, Milton W., Jr.
Moore, Raphael B.
Moore, Thomas G.
Moran, Clifford D.
Moranville, Kendall E.
Moreau, Arthur S., Jr.
Moredock, William J.
Morford, Dean R.
Morgan, Houston M.
Morgan, John M.
Morgan, Leroy W., Jr.
Moriarty, Jack O.
Morin, Ronald D.
Morris, James I.
Morrison, Daniel N.
Morrow, Richard D.
Mortimer, Edward H., III
Morton, Robert R.
Morton, Theodore E.
Mosman, Jack H.
Moss, Daniel J.
Moury, Roger F.
Moye, William B., Jr.
Mozley, James F.
Mudgett, Richard L.
Muench, Gerald W.
Muka, Joseph A., Jr.
Mulcahy, William J., Jr.
Mullen, Richard D.
Mundt, Werner F.
Munson, Roger D.
Murdoch, Alan G.
Murphy, Elbridge F., Jr.
Murphy, George A.
Murphy, Richard G.
Murray, Joseph E., Jr.
Musgrave, "R" "F"
Musorrafiti, Francesco A.
Myers, Lowell R.
Mylander, Stig J.
Narowetz, Bruce A.
Neel, William C.
Neel, William M.
Neill, Louis D., Jr.
Nelles, Merice T.
Nelson, Charles W., Jr.
Nelson, George E., Jr.
Nelson, Herbert F.
Nelson, James M.
Nelson, Joshua J.
Nelson, Keith
Nelson, Lawrence R.
Nelson, Teddy N.
Nesbitt, Harry J.
Newcomb, James A.
Newman, Robert L.
Newton, John E.
Neyland, James P.
Nichol, Monte B.
Nichols, Jack H.
Nichols, Richard L.
Nicholson, John L., Jr.
Nielsen, Donald E.
Nightingale, Billy R.
Nix, Walter C.
Nokes, Neil M.
Noll, Rolf F.
Norby, Merlin R.
Nordhill, Claude H.
Noren, Rees E.
Norton, John R., Jr.
Nothwang, David R.
Nott, Edward C., Jr.
Nuss, Charles R.
Nystrom, Frederic L.
Oaksmith, David E., Jr.
Oberg, Chester R.
O'Brien, John T.
O'Connell, John D.
O'Connor, Joseph E.
O'Der, John T.
O'Donnell, Richard J.
Offrell, David W.
O'Hara, John T.
O'Keefe, James L., Jr.
Oldmixon, William J.
Olds, Robert B.
Olear, Joseph P.
Oleson, David E.
Olsen, Harold L.
Olsen, Jerome J.
Olsen, Robert M.
Olson, Conrad B.
Olson, Gerard R.
Olson, Norman H.
Olson, Richard S.
O'Malia, Robert J.
Onorato, Ernest D.
O'Reilly, Charles W.
O'Rell, Quinlan R.
Ormond, George, Jr.
O'Rourke, Bernard J.
O'Rourke, Daniel, Jr.
Orsik, Walter A.
Orsino, Leo A.
Ortega, Joseph J.
Ortmann, Dean A.
Osborne, Arthur M.
Osborne, Charles N., Jr.
O'Shaughnessy, Robert J.
O'Shea, John A., Jr.
Oslun, William J.
Ostergren, James E.
O'Sullivan, Richard C.
O'Toole, Arthur L., Jr.
Owens, Robert M.
Owesney, William T.
Padgett, Harry E.
Paganelli, John E.
Painter, George V.
Paisley, John B., III
Palmieri, John J.
Paolucci, Donald C.
Papio, Emil M.
Parcher, Stuart M.
Parker, John T., Jr.
Passantino, Sebastian P.
Pasztalaniec, Matthew F.
Patrick, Julian C.
Pattee, Arthur W.
Patterson, Lee R.
Patterson, William V.
Paul, David L.
Paul, John E.
Paulk, John E.
Paulson, Allan G.
Pawley, Sigmund B., Jr.
Payne, Dean M.
Peacock, Henry F.
Pearl, Harlan R.
Pearlman, Samuel S.
Pearson, George W.
Peckworth, Dana
Pedigo, Robert E.
Peebles, Edward M.
Peery, William K.
Perault, David J.
Perkins, Jack C.
Perkins, Joseph "A", Jr.
Perrault, Mark E.
Perry, Lowell E.
Personette, Alan J.
Pertel, Joseph A.
Petersen, Gordon S.
Petersen, Walter R.
Peterson, Dale A.
Peterson, John W.
Peterson, Mell A., Jr.
Peterson, Richard N.
Petit, Pierre A.
Petry, William A.
Pettigrew, Joseph H.
Pettyjohn, William R.
Pfarrer, Charles P., Jr.
Phillips, Charles A.
Phillips, John T.
Phillips, Lawrence, Jr.
Phillips, Paul E.
Philpot, Marvin L.
Phoenix, David "A"
Pifer, Charles E.
Pikell, Joseph V.
Pippin, William E.
Pitkin, Ronald E.
Pitts, David T.
Pitts, David B.
Pixley, George D.
Place, Allan J.
Poland, James B.
Pollack, Harold I.
Pollum, Edgar W.
Poore, Ralph E.
Pope, John W. R., Jr.
Poreda, Charles P.
Porter, Robert D.
Potosnak, Joseph E.
Potter, Arthur M., Jr.
Prell, Raymond B.
Preno, Melvin C.
Prentiss, Dickinson
Preston, Edgar H.
Price, Walter P.
Priddy, Clarence L., Jr.
Primeau, Don G.
Prindle, Charles O.
Pringle, Donald B.
Pritscher, Robert L.
Profilet, Clarence J.
Pullen, Luther D.
Puopolo, Michael J.
Purdum, William H.
Purtell, Joseph M.
Quamme, Lyle D.
Quillin, Thomas E.
Quin, John M., Jr.
Quirk, William J.
Rademacher, John W.
Raffaele, Robert J.
Raiter, Richard F.
Ralph, Steve, Jr.
Ramos, Steve L.
Ramsey, Gayle
Ramzy, James R.
Rand, Donald H.
Randall, Howard W.
Randall, Howard F., Jr.
Raper, Albert D.
Raunig, David R.
Rayder, Daniel F.
Raysin, Paul E.
Read, Richard R.
Reasonover, Roger L., Jr.
Reaves, Joseph C.
Reddick, Robert E., Jr.
Reed, Charles A.
Reeg, Frederick J.
Reese, Franklin W., III
Reffitt, Raymond E.
Reger, William L.
Register, Marvin O.
Reinhardt, Jerry B.
Reisinger, John E.
Rennie, William B., Jr.
Reynolds, James H.
Reynolds, Marvin D.
Reynolds, Robert F., Jr.
Reynolds, Stuart V.
Rhodes, Randolph L.
Rice, Daniel W.
Rice, Gary L.
Rice, Stanley G.
Richards, Lloyd W.
Richards, Robert J.
Richards, Walter E.
Richardson, Phillip D.
Richardson, Harold M.
Richardson, William C.
Richter, Ronald P.
Ricketson, Francis B.
Rickly, James M.
Ridge, James J.
Riegel, Robert W.
Riendeau, Arthur O., Jr.
Riendeau, Gerald L.
Rigney, William J.
Riley, Kenneth J.
Riley, Raymond T.
Ritz, Merlin C.
Rivers, John B.
Roach, Francis L.
Robertson, Robert R., Jr.
Robey, George R., Jr.
Robey, Robert V.
Robinson, Duane A.
Robinson, Percy E., Jr.
Robinson, Thomas W., Jr.
Robinson, William H., Jr.
Robinson, William N.
Robinson, William A.
Rockefeller, Harry C., Jr.
Rodgers, Dean T.
Rodgers, James B.
Rodgers, Thomas A.
Rodriguez, William P.
Roe, Charles W.
Roe, Donald W., Jr.
Roepke, John R.
Rogers, Charles E., Jr.
Rogers, Gerard F.
Rogers, Robert B.
Rogers, Warren F.
Roland, Gerald K.
Romano, Matthew E.
Rorie, Conrad J.
Rork, John K.
Rose, Charles C., Jr.
Rose, Hardy N.
Rose, William R.
Roseman, Troy B.
Rossman, Robert H.
Roth, Conrad W.
Rowland, Charles M., Jr.
Rubey, William A.
Ruch, Martin, Jr.
Rudolph, Francis A., Jr.
Ruggles, Kenneth W.
Ruhsenberger, Roger H.
Rumelhart, Max R.
Runyon, Richard E.
Rusch, John M.
Russell, Kenneth B.
Russell, William F.
Ryan, Albert
Ryan, James A., Jr.
Ryan, James W.
Ryan, John N.
Ryan, Thomas J.
Ryan, William A.
Ryman, Gerald M.
Sabol, Ernest J., Jr.
Sacks, Harold H.
Salva, Fedor R., Jr.
Samples, Loy C.
Sanden, Oscar E.
Sanders, Ben T.
Sapp, Charles S.
Sargent, Richard E.
Sarkisian, Ara
Satre, Robert S.
Saubers, Walter F.
Sawiak, Conrad B.
Saylor, Thomas P.
Scarborough, Robert L., Jr.
Schaadt, Douglas D.
Schaaf, Thomas W.
Schaff, Donald J.
Schatzle, Francis J.
Schaub, John R., Jr.
Scheiter, Gene L.
Schermerhorn, James R.
Scheurich, Thomas E.
Schibel, Robert L.
Schlemmer, Robert M.
Schlenzig, Robert E.
Schmidt, Gilbert E.
Schnell, Herbert L., Jr.
Schnetzler, Estill E., Jr.
Schoeckert, Robert D.
Schoeffel, Peter V.
Schroeder, Robert E.
Schultz, Eugene D.
Schuman, Martin S.
Schuppert, Vincent J.
Schuster, Dale G.
Schuster, Gustave P.
Schwartz, Wallace J.
Schweitzer, Robert J.
Scott, Austin B., Jr.
Scott, Jack E.
Scott, Kenneth M.

Scott, Robert W.
Sebring, Leland H.
Seifert, Robert J.
Seigenthaler, Thomas U.
Selby, Paul F.
Self, David L.
Selgrath, James J.
Sellers, John W.
Semple, William C., III
Serig, Ward E. K.
Sesler, Ralph M.
Sesow, Anthony D.
Sewell, Robert L.
Shafer, Don M.
Shafer, William J. E.
Shanaghan, John J.
Sharp, Gail "J"
Sharpe, Lawrence A.
Shaughnessy, Francis M.
Shaw, John H.
Shaw, John G.
Shaw, William M.
Shea, Rolland K.
Shearer, Oliver V., Jr.
Shearer, Thomas D.
Sheehan, Robert K.
Sheehy, Eugene E.
Sheeley, Elmer E., Jr.
Sheets, Jean P.
Sheldon, George E., Jr.
Shelly, Ronald G.
Shemanski, Francis B.
Sherrouse, James B.
Shewchuk, William M.
Shilling, John D.
Shine, Maurice J.
Shirley, Milford E.
Shoemyer, James W.
Shrader, Ebert F.
Shropshire, Edwin D., Jr.
Shughrou, John J., Jr.
Shuman, Edwin A., III
Silverman, Arnold M.
Simia, Richard
Simmons, Arlis J.
Simmons, Clayton M.
Simon, Douglas M.
Siska, Edward
Sisson, Thomas U., Jr.
Siverly, Paul L.
Skarlatos, Paul
Skelton, Stuart A.
Skerrett, Robert J.
Skillen, Robert L.
Skillman, Charles F.
Skolnick, Alfred
Skubinna, Myron A.
Slawson, Ralph L.
Sliwinski, Daniel J.
Slyfield, Frederick J.
Smevog, Herbert W.
Smidt, Robert L.
Smiley, Charles B.
Smiley, Douglas I.
Smith, Alfred A.
Smith, Allen, III
Smith, Chester R.
Smith, David G.
Smith, Frederick D., Jr.
Smith, "H" "O"
Smith, Joel E.
Smith, John P.
Smith, Joseph C.
Smith, Leighton D.
Smith, Morgan H.
Smith, Ralph R.
Smith, Thomas J.
Smith, William L.
Smith, William L.
Smitter, Clarence H.
Snider, Lloyd H.
Snively, Abram B., III
Snow, George M.
Snyder, Aaron W. S.
Snyder, Edward C., Jr.
Snyder, Sherman R.
Snyder, Virgil C.
Soderholm, Richard C.
Solan, Thomas V.
Somerville, William J.
Sommers, Carl W., II
Sonniksen, Ronald G.
Sorenson, Curtis A.
Sottak, Edward J.
Southwick, Charles E.
Spar, Edwin F.
Spargo, Richard A.
Spartz, John N.
Spaulding, Ralph L.
Spear, John R.
Speelman, Thomas W.
Speirer, Paul E., Jr.
Spiegler, Felix R.
Spradley, Van E.
Stafford, Kenneth B.
Stamm, Ernest A.
Stanard, John D., Jr.
Stanley, Thomas A.
Starbuck, Thomas H.
Starcher, Charles W., Jr.
Stechmann, Donald H.
Steel, Charles E.
Steele, Francis X.
Steele, Ted C., Jr.
Stefferud, David R.
Steffes, Herbert J.
Steinke, Harris E.
Steinman, Alfred D., Jr.
Stephens, Wayne L.
Stephenson, Donald L.
Stevens, Jack D.
Stevenson, Donald W.
Stevenson, Peter K.
Stewart, Blair
Stewart, Douglas A.
Stickney, Harold "L"
Stierman, Joseph W., Jr.
Stinner, Robert J.
Stoddart, Ronald L.
Stoffel, Micheal J.
Stolle, Edward S., Jr.
Stoltz, Kenneth E.
Stone, Jack W., Jr.
Stone, Robert A.
Stone, Ronald P.
Storck, Bernard F.
Storms, James G., III
Stovall, John C.
Struven, Robert L.
Studebaker, Clayton A.
Steubben, Richard W., Jr.
Sturgeon, William J., III
Sturm, Gerard M., Jr.
Sullivan, John G.
Sullivan, Russell J.
Sullivan, Thomas J.
Sullivan, Walter F.
Sullivan, William W.
Sutherland, Doyle L.
Sutherland, Terence B.
Sutherland, William P.
Suzan, Frank M.
Sweeney, John H., III
Sweet, Harry J.
Switzer, Robert J.
Sykes, Lewis B.
Tabler, Benjamin E.
Talbot, Frank R., Jr.
Talbot, James R., Jr.
Tally, Billy F.
Tanner, Charles N.
Tanner, John P.
Tappan, Jeremy R.
Tarlton, Joe E.
Tate, John F.
Taylor, Arthur C.
Taylor, Charles C.
Taylor, Harold A., Jr.
Taylor, James D.
Taylor, Reeves R.
Taylor, Thomas H.
Templeman, William E.
Tenney, Vincent L.
Terry, Daniel G. W.
Test, Richard "Z"
Teuscher, John J.
Tevelson, Marchel C.
Thalman, Robert H.
Thayer, Albert J.
Thomas, Donald P.
Thomas, Douglas N.
Thompson, Clifford E.
Thompson, George I.
Thompson, Jack C., Jr.
Thompson, James C.
Thompson, Richard G.
Thompson, Richard L.
Thonneson, Earling R.
Throop, James R.
Thunman, Nils R.
Tibbetts, Herbert E.
Timm, Alvin R.
Tinkler, David R.
Tise, Donald G.
Toland, Hugh J. C., Jr.
Tolg, Robert G., Jr.
Tomlinson, Alva C.
Tortora, Anthony M.
Townley, John L.
Townsend, Marshall N.
Trask, Ace F.
Traweek, Billy B.
Treagy, Paul E., Jr.
Trebbe, Shannon L.
Trebor-MacConnell, Barrie K.
Trenham, Herbert D.
Trevors, George A.
Trowbridge, Vern H.
Trueblood, William E.
Trygsland, Arnold L.
Tucker, Eli L., Jr.
Tucker, Thomas A.
Tully, William R., Jr.
Turk, Herman L.
Turner, Ralph A., Jr.
Turner, Sherman W.
Tuttle, George S.
Tuttle, John R.
Uelman, William C.
Ulmer, Donald M.
Ulrich, Charles H.
Umberger, Robert C.
Upshaw, Donald E.
Vaden, Donald E.
Van Antwerp, Richard D.
Van Dewater, George L., Jr.
Van Dien, Casper R.
Van Dusen, Harold L.
Van Dyke, Willard H., Jr.
Van Hoof, Eugene R.
Van Horssen, David A.
Van Valkenburg, George B.
Van Westendorp, Steven
Varner, Duane L.
Vatidis, Christopher R.
Vaughan, Evan J., Jr.
Veach, Clarence E.
Veatch, Philip A.
Velazquez-Suarez, Francisco A.
Vellom, Lee S.
Verich, Demetrio A.
Vernam, Claude C.
Vernon, Everett L.
Viera, John J.
Vine, Victor J.
Vinti, Joseph P.
Vitali, Burt M.
Vogt, Henry L., Jr.
Vohden, Raymond A.
Vojtek, Thomas M.
Von Perbandt, Louis K.
Vosseller, John H.
Vreeland, James M.
Wack, Charles G.
Waddington, Jack B.
Wagner, David F.
Wagner, James W.
Walck, Claude W.
Walker, Charles
Walker, Henry M.
Walker, Jack O.
Walker, Peter R.
Wall, Joseph E.
Wallace, James D., Jr.
Wallace, Robert C.
Wallace, Thomas M.
Walsh, Don
Walsh, Harvey T., Jr.
Walshe, Edward C., Jr.
Walters, James V.
Wanamaker, John F.
Ward, Charles W. D., Jr.
Ward, Conrad J.
Ward, John H.
Ward, Robert B.
Warner, Laurance B.
Warren, Billy R.
Warren, Thomas C.
Warthen, Donald
Washchysion, John
Wasson, John E.
Watson, John
Watson, Max H.
Watson, Robert "M"
Watson, Thomas C., Jr.
Watson, Wyatt P.
Weaver, James J.
Webb, James E.
Webb, James I.
Weber, Lawrence K., Jr.
Webster, James M.
Weed, John W.
Weeks, Alan L.
Weeks, Wayne F.
Wehling, Michael S.
Wehrman, Philip W.
Weir, Jack T.
Weishar, Charles F.
Weissman, Marvin M.
Weitz, Paul J., Jr.
Wellings, John F.
Wells, Don V.
Wells, Peter M.
Wells, Walter H., Jr.
Wenker, William A.
Wensman, Linus B.
Wessel, James E.
West, Denton W.
West, Donald A.
Westmoreland, Ralph M.
Westphal, Lloyd M., Jr.
Wetmore, Horace O., Jr.
Wetzel, James F.
Wetzel, Weslie W.
Whalen, Joseph D.
Wheat, Billy V.
Wheeler, Charles G.
Wheeler, James B.
Wheeler, John R.
Wheeler, Robert L.
White, Bernard A.
White, Charles E.
White, Charles L.
White, Donald J.
White, Donald C.
White, James R.
White, John E.
White, Richard E.
White, William A.
Whittier, James F.
Widder, John A., Jr.
Widman, Manfred W.
Wiecking, Kenneth D.
Wiederholt, Jerome B.
Wight, Roy R.
Wigley, William W.
Wildberger, August M.
Wildman, John B.
Wilford, Donald M.
Will, John M., Jr.
Will, Otto W., III
Willenbrink, James F.
Willever, Edward L.
Willhauck, Marion
Williams, Edward O.
Williams, Louis A.
Williams, Ronel J. D.
Williams, Ralph T.
Williams, Ralph E., Jr.
Williams, Randall L.
Williams, Wallace E.
Williamson, Harry H., Jr.
Williamson, James F.
Williamson, Robert L.
Willis, Arthur A., Jr.
Wilmer, Robert R.
Wilson, David G.
Wilson, Jack L.
Wilson, James A., Jr.
Wilson, Richard V., Jr.
Wilson, Robert W., Jr.
Wilson, Samuel B.
Wilson, Vaughan E., Jr.
Wilson, William R.
Wiltse, Irving M.
Winans, Gilbert L.
Winchester, Warren H.
Winfree, Herman D., Jr.
Winkler, Thomas Q., Jr.
Winkowski, John R.
Winn, Velmer A. J.
Winslett, John C., Jr.
Winton, Fred "B", Jr.
Wirt, Robert O.
Wisdom, Robert W.
Wise, James E., Jr.
Wise, Peyton R., II
Witherow, Thomas S.
Withers, Fred J.
Withrow, John E., Jr.
Witthoft, Ronald D.
Wittrock, Henry L.
Wolf, James D.
Wolff, William F.
Wolke, Victor B. C.
Wood, Charles S.
Wood, Fred L.
Wood, John P.
Wood, Noel T.
Woodall, Franklin T., Jr.
Woodburn, Craig E.
Woodbury, Kyle H.
Woods, Robert C.
Woodward, John L.
Woodyard, Jon C.
Woolery, Edgar F.
Wootten, Thomas F.
Worth, Edward R.
Wright, Charles H., Jr.
Wright, James D.
Wright, James R.
Wright, Kenneth L., Jr.
Wright, Marshall O.
Wright, Richard T.
Wright, William W.
Wunsch, John R.
Wyckoff, Peter B.
Wynn, Carl E., Jr.
Yanaros, John O.
Yarger, Luther D.
Yarwood, John O.
Yates, James L., Jr.
Yeager, Donald R.
Yenowine, George H.
Yoder, Dwane F.
Yonke, William D.
Yosway, Philip F.
Young, Alfred A., III
Young, David B., Jr.
Young, Glenn L.
Young, Harold L.
Young, James E.
Young, Milton E.
Youngblood, Newton C.
Zable, Joseph J.
Zapalac, Robert E.
Zelones, Vincent L.
Zettle, Harold
Zick, Richard A.
Zidbeck, William E.
Zilch, Charles H.
Zirps, Christos
Zophy, Merle E.
Zuilkoski, Ronald R.

Lieutenant commander, Line

Abbott, William A.
Ackart, Leon E.
Adams, Douglas N.
Adams, John W.
Adams, Samuel W., Jr.
Aderholt, William L., Jr.
Adkins, James N., Jr.
Adler, Roy W.
Aiello, Robert J.
Ailes, Robert H.
Ainsworth, Gerald I.
Akers, Max N.
Akin, Hurston B.
Albero, Carl M.
Albert, Virgil E.
Albright, John D.
Albritton, Hugh H., Jr.
Aldana, Louis P.
Alden, Robert F.
Alexander, John C., Jr.
Alexander, Richard K.
Alexander, Hershel D.
Alexander, John R.
Alexander, Corington A., Jr.
Alexander, Dawson, Jr.
Alkire, James C.
Allen, Alvin K.
Allen, George S.
Allender, George R.
Allgood, Dempsey E.
Allison, Kenneth L.
Allman, John I., III
Allsopp, Richard E.
Almstedt, Theodore A., Jr.
Alvarado, Philip D.
Alvarez, Franklin F.
Alvarez, Marcos I.
Alvarez, Raoul
Ambos, Brooks L., Jr.
Ambrogi, John F., Jr.
Amendt, Lester D.
Amick, Carl W.
Anderson, Archie A.
Anderson, Anders T.
Anderson, Bryan R.
Anderson Edwar E., Jr.
Anderson, Ronald M.
Anderson, Richard S., Jr.
Andres, Charles G.
Andrews, Charles H., Jr.
Apap, Antonio

Arata, William A., III
Arcuni, Philip
Armbruster, Robert B.
Armbruster, William A.
Arnold, Edward F.
Arthur, Stanley R.
Artim, Ronald N.
Ashley, Wallace T.
Askey, Henry B.
Astorino, Gerald P.
Atkins, Brandon T.
Atkins, Thomas M.
Atwell, Marion A.
Atwell, Robert F., III
Ault, Russell S.
Avila, John, Jr.
Avis, Dwight E., Jr.
Ayars, James E.
Babb, Richard L.
Bacon, Roger F.
Bailey, Fred W.
Bailey, Richard C.
Bailey, Samuel M., Jr.
Baker, Charles H., Jr.
Baker, Edward B., Jr.
Baker, Eldon S.
Baker, Harry L., Jr.
Baker, Henry T.
Baker, Peter A.
Balcom, Robert E.
Baldwin, Edwin M.
Baldwin, John S.
Baldwin, Roger L.
Ball, Daniel L.
Ball, Hugh E., Jr.
Ball, Marvin L., Jr.
Ballantine, James C., Jr.
Ballard, Ronald H.
Ballou, Joseph F.
Bangert, James E.
Banman, Robert E.
Banta, Clifton E., III
Barclay, Gordon J.
Barker, Ernest W.
Barker, Harold D.
Barker, Nathaniel C.
Barker, Richard H.
Barnes, Paul D.
Barnette, George W., III
Barnum, Craig L.
Barrier, Lee E.
Barron, Douglas W.
Barry, Thomas J.
Barstow, Kenneth W.
Bartee, William J.
Bartels, Harlan B.
Bartels, Malcolm G.
Bartholomew, Thomas C.
Bartlett, Larry D.
Barton, Bryan W.
Bash, John F.
Bass, Robert L.
Bass, Terrence D.
Bassett, Charles H., Jr.
Bassett, Frank E.
Bassin, Paul H.
Bateman, Everett P.
Bates, Wilmer I.
Batterby, Robert E.
Bauer, Herbert
Bayne, James L.
Beachy, Lloyd H.
Beamer, Barton D.
Beard, Percy M., Jr.
Beasley, Charles J.
Beasley, Edwin L.
Beatty, Don G.
Beatty, James R., III
Beatty, John R.
Beaube, James D.
Beck, Donald E.
Beck, Victor
Becker, James G.
Beedle, Leland "S", Jr.
Been, John T., II
Behning, William P.
Behrends, Paul C.
Belcher, Joe O., Jr.
Belcher, Samuel A., II
Bell, Arthur G.
Bellay, Daniel J.
Belson, Douglas A.
Bender, James E.
Benham, Jack O.
Bennett, David M.
Bennett, David G.
Bennett, Maurice H., Jr.
Bennington, Bruce A.
Benton, Chestley M.
Berg, Robert P.
Berg, Roger L.
Bergondy, Paul J.
Bernet, Karl R.
Bernsen, Harold J.
Bertelsen, Ralph I.
Besecker, John A.
Bethel, Lewis E.
Betterton, Thomas C.
Betts, Stanton W.
Bevan, John A., Jr.
Biele, Charles E., Jr.
Biggs, Gene E.
Billings, Charles H.
Bishop, Benjamin M.
Bishop, Jack D.
Bishop, John W.
Bishop, Robert P.
Bitoff, John W.
Black, Arnold E., Jr.
Black, Richard O.
Black, Ronald E.
Blackburn, Harry L., Jr.
Blackistone, David L.
Blackner, Ronald K.
Blackwelder, Billy G.
Blackwell, Michael J.
Blair, Frank.
Blair, Frederick E.
Blake, Donald T.
Blanch, Robert F.
Blanchard, Lewis T.
Blasch, Lynn P.
Blasko, John E.
Blatt, Russel N.
Bledsoe, Paul I.
Blessing, George R.
Bleynat, Edward L.
Blish, Donald E.
Bliss, John R.
Bloedorn, James J.
Bloh, William C.
Boatright, Jimmie R.
Boatright, Keith A.
Bock, Karl F.
Boehm, Roy H.
Boerner, Delbert D.
Boice, Frank B.
Boland, Joseph E., Jr.
Boling, Charles E.
Bonadies, Louis
Bond, Charles S.
Bondi, Joseph R.
Booriakin, Walter A.
Borcik, David E.
Borden, Edward L.
Borgquist, Bruce W.
Bostick, James H.
Boswell, Edward B.
Botkin, Harry L.
Bott, Melvin C.
Bouchard, Joseph S.
Bouton, Samuel L.
Bovey, Robert L.
Bower, Bruce B.
Bower, Richard D.
Bowers, Robert L.
Bowles, Vivian K.
Boyd, James P., Jr.
Boyle, Francis C.
Boyle, Ronald A.
Boyne, Peter B.
Boynton, Thomas F.
Bradbury, Craig M.
Bradfield, James D.
Bradley, Carlton "S"
Bradley, Frederick L., Jr.
Bradshaw, Joe L.
Brady, James E.
Brainard, Hubert E.
Brake, Robert L.
Branch, Lyle F.
Branch, Nathan E.
Branchflower, Norman "H", Jr.
Brandt, Robert T.
Branin, John W.
Brantuas, Joseph A.
Brazzon, Robert
Breast, Jerry C.
Breckon, Richard L.
Bredbeck, William J.
Breed, William L.
Breidenstein, John F.
Breitenbach, Robert G.
Brennan, John J.
Brenner, Leroy E.
Brennock, Robert F.
Brett, Thomas R.
Brewton, Edward A.
Brickell, Charles H., Jr.
Brickner, John S.
Bridgman, Walter E., Jr.
Briggs, Roger C.
Brightman, James M.
Brining, George
Brock, Virgil E.
Brodersen, Henry H.
Bronson, Edward F.
Brookes, Allan G., Jr.
Brooks, Dennis M.
Brooks, Linton F.
Brooks, Paul E.
Brooks, Thomas A.
Brown, Alan R.
Brown, Dale S., Jr.
Brown, Frank H.
Brown, John W.
Brown, Kenneth C.
Brown, Lawrence
Brown, Parke L., Jr.
Brown, Paul L.
Brown, Randall R.
Brown, Ronald L.
Brown, Sylvester D., III
Brown, Thomas W.
Brown, Thomas S.
Brown, William T.
Browne, Thomas M.
Brownell, Paul E.
Brownlie, Robert C., Jr.
Brubaker, William F.
Brumwell, Robert K.
Brune, Charles M.
Bruni, Richard L.
Brunner, Danny J.
Buchberger, Harold F.
Buck, David E.
Buck, Ralph V.
Buck, Wilbur P.
Buckner, Gerald G.
Buckner, James A.
Buell, Thomas B.
Bullard, Lewis D.
Bullington, Jack F.
Bullock, Harold O., Jr.
Bump, Stanley E.
Bunting, Keith M.
Burcher, Philip E.
Burgess, John E.
Burgess, John D.
Burke, Eugene F.
Burke, John P.
Burleigh, David P.
Burnett, James R.
Burns, Charles E.
Burns, John J.
Burns, John D.
Burns, Robert E.
Burrows, James B.
Burrows, Robert G.
Burt, David L.
Bushey, William E.
Buss, Richard H.
Bussard, Vernon R., Jr.
Busse, Arnold L.
Butcher, Bradley A.
Butsch, Lester H.
Butterworth, Frank W., III
Buxton, Donald G.
Byers, Carl A.
Byers, John M.
Caciola, James J.
Caggiano, Robert R.
Cagle, George F.
Cahill, Edward H.
Cahill, Lionel A., Jr.
Calder, Donald J.
Caldwell, James F.
Caldwell, James A.
Caldwell, Robert K.
Calhoun, John F.
Calkins, Delos S., Jr.
Callahan, Robert W.
Callan, James R.
Calvert, John F.
Calvin, Donald U.
Cameron, Edward J.
Cameron, Ronald D.
Campbell, Craig S.
Campbell, Robyn M., Jr.
Campbell, William, Jr.
Camper, James R.
Cannon, John W.
Cantrell, Walter H.
Carden, Orelan R., Jr.
Cargill, Denny B.
Carleton, Jack E. L.
Carleton, Reid P.
Carlson, Gilman R., Jr.
Carlson, Robert G.
Carmichael, Thaxton M.
Caron, Gerald C., Jr.
Carpenter, Rex N.
Carpenter, Lawrence J.
Carpenter, John E.
Carr, Samuel F.
Carr, Samuel L.
Carretta, Albert A., Jr.
Carrico, William C.
Carroll, Thomas D.
Carson, Aubrey W.
Carson, William G.
Carter, Burnett W.
Cartwright, Jackson E.
Carver, Gerald J.
Casagranda, Raymond J.
Casciato, Anthony C.
Case, Arnold J.
Casebeer, Macey M.
Cashman, James M.
Catalano, Alvin N., II
Catalano, Peter R.
Cater, Michael C.
Caudry, Arthur R.
Cauvet, Kenneth B.
Caverly, Donald E.
Cavness, Jim H.
Cawrse, Arthur C.
Chadick, Wayne L.
Chaffee, George B., Jr.
Chaires, Charles A.
Chamberlain, John D.
Chambers, Leroy
Chambers, Perry R.
Chandler, David F.
Chandler, Ralph W.
Chanslor, Richard M.
Chapman, Frederick W.
Chapman, William F.
Chapple, Michael W.
Charles, Richard N.
Chider, Thomas J.
Chilcoat, John D.
Childs, Johnny H.
Chiocchio, Oddino S.
Chrisman, John A., Jr.
Christensen, John E., Jr.
Christensen, Robert
Christenson, Robert W. S.
Christenson, William C.
Clipperly, Robert H.
Clancy, Wilbert C.
Clardy, Herman S., Jr.
Clarity, Michael G.
Clark, Charles W., Jr.
Clark, Charles F.
Clark, Franklin W.
Clark, Frederic M.
Clark, Jeremy C.
Clark, Loren L.
Clark, Marvin I.
Clark, Warren C., Jr.
Clarke, Douglas L.
Clay, Harry B., Jr.
Clegg, William L.
Clement, Frank J.
Clement, Russell L.
Cleveland, Robert M.
Clevenger, Redmond L.
Click, Howard H.
Clinton, John C.
Clune, Edward M.
Coats, Barry W.
Coats, Roger M.
Cobi, Frederick B.
Cockrell, Charles W.
Cockrell, Wilbur W.
Coen, Francis M.
Coffee, Gerald L.
Coffman, Rodney E.
Coldwell, Thomas
Cole, Lawrence E.
Cole, William M., II
Coleman, James J.
Collins, David M.
Collins, Richard F.
Collins, Richard R.
Collins, William J.
Collis, Charles D.
Comer, Robert F.
Comly, Samuel P., III
Companion, Robert B.
Compton, William H.
Conery, Francis A., III
Coneys, Joseph E.
Conklin, Andrew J.
Conklin, Frank M., Jr.
Conley, Thomas H., Jr.
Connell, Raymond P.
Conner, Eugene D.
Connerton, James E., Jr.
Converse, Joseph I., Jr.
Cook, Gary D.
Cook, Thomas L. P.
Cooke, Richard H.
Coolbaugh, Jesse D.
Coon, Morris E.
Cooper, David S.
Cooper, Grant A.
Cooper, James V., Jr.
Cooper, John D., Jr.
Corbeil, Rodolphe N.
Corbett, Robert L.
Cordle, "J" "T"
Cordova, Richard N.
Corliss, Walter F.
Cornelius, Harold W.
Cornelius, Patrick B.
Corr, Peter S., Jr.
Correll, Ward W.
Cosby, Millard A.
Cossairt, Larry A.
Cotham, "L" "C", Jr.
Coulbourn, Samuel W.
Courtney, Carl M.
Couture, John F.
Cowan, Terrance E.
Cowart, Elwood A.
Cowdrill, David T.
Cox, David R.
Cox, David B.
Cox, Duane A.
Cox, James P.
Cox, Kenneth E.
Cox, Kenneth H.
Cox, Robert L.
Coyne, George K., Jr.
Craft, Charles D.
Craft, Don C.
Crane, Hugh R.
Crawford, Arthur G.
Creager, Leslie F.
Credille, William C.
Creighton, George C., III
Creswell, Lawrence K.
Crews, Nelson R.
Crombie, Todd A.
Cromer, Charles C.
Cross, Claude C.
Cross, Creighton L.
Crowe, William M., Jr.
Crowninshield, George W.
Crozier, Ronald L.
Cuddy, John V.
Cueroni, Lee A.
Culhane, William P.
Cullen, Charles W.
Culp, Chester C., Jr.
Cumbridge, Kenneth E.
Cundari, Francis L.
Cunneen, William J., Jr.
Curry, James D.
Curry, Newell L.
Curry, William H., Jr.
Curtis, Charles D.
Curtis, Wayne
Cuseo, Michael A., Jr.
Cutrell, Leonard E., Jr.
Cyr, Joseph H., Jr.
Dafoe, James L.
Dalebout, Ronald A.
Dalton, Robert L.
Daley, Frederick T., III
Damato, Joseph J.
Dammann, Ferderick O.
Daniels, Shane P.
Darby, Jack N.
Darby, Thomas E., Jr.
Darling, Donald L.
Darnauer, David E.
Dauber, Joseph G.
Davies, Richard E.
Davis, Chester C.
Davis, James V.
Davis, John W., Jr.
Davis, John D.
Davis, Robert D.
Davis, Robert E.
Dawson, James F.
Dawson, Phillip E., Jr.
Dawson, William H.
Daybert, William K.
Dean, Bill C.
Deangelo, Lawrence F.
DeBoer, Johan W.
Dee, James D., Jr.
Deegan, Robert F.
Defibaugh, Carl F., Jr.
DeGrees, Francis B., III
Delanoy, Billie L.
De Lashmitt, Robert E.
Dellwo, Richard E.
Delpercio, Michael, Jr.

Demand, Daniel H.
Demarest, Joseph G., III
Demarke, Joseph, III
Demars, Bruce
Dennis, Everett J.
Dennis, Jefferson R., Jr.
Dennison, Terry A.
Derieg, Daniel E.
Derr, Allen J.
Derryberry, William D.
Desko, Daniel A.
Desmond, Michael J.
Desposito, John P.
Devoy, William M.
Dewalt, Gary L.
Dewitt, William H.
Dews, Harry P., Jr.
Dickens, Russell D.
Dickey, Kenneth R.
Dickmann, David B.
Didier, Jacob P., Jr.
Dietrich, William H.
Dietz, Donald L.
Dipalma, Robert F.
Disher, John S.
Disney, Donald G.
Dittrick, John J., Jr.
Dixon, John C.
Dixon, Ned E.
Dobbins, James R.
Dodd, Jimmy J.
Dodge, Peter B.
Doe, Burdell F.
Doe, Ralph F.
Doeschot, Kenneth G.
Doherty, Edward F.
Doherty, Joseph F.
Dolliver, Richard H.
Dombrowski, Henry R.
Donis, John N.
Donnellan, Robert I.
Donnelly, John J.
Donnelly, Thomas F.
Donodeo, Roger F.
Donovan, Francis R.
Donovan, Neil
Dooley, Thomas L., Jr.
Dorsey, Edward B.
Doss, Dale W.
Doss, Marion T., Jr.
Dothard, John J.
Doughdrill, Charles W.
Dougherty, "J" Alvin
Dougherty, William A., Jr.
Dougherty, Thomas F., Jr.
Dove, Ray W., Jr.
Doyle, Thomas J.
Doyle, William J.
Drees, Marvin J.
Dreessen, Francis M.
Dressler, Joseph A.
Driver, Ace C., Jr.
Driver, Thomas P.
Drude, Leonard J.
Duff, Karl M.
Duffey, Russell G.
Dugan, Ferdinand C., III
Dugan, William G.
Duggan, Charles E., Jr.
Dulik, Andrew F.
Dunbar, Douglas P., Jr.
Dunbar, Richard P.
Duncan, Donald G.
Duncan, William E.
Dundon, Alan M.
Dundore, Harold W.
Dunham, William C.
Dunlap, Harry A., Jr.
Dunlap, James H.
Dunlap, Stanton P.
Durbin, James D.
Durham, James L.
Duvall, Robert A.
Dyer, Thomas E.
Dygert, Robert L.
Dykeman, Charles J.
Dykes, James E. J.
Earley, William L.
Eastman, David R.
Eastman, Leonard C.
Eaton, David G.
Eaton, James W., Jr.
Eaton, Joe W.
Eddleman, Harold E.
Eddy, Roger A.
Edgemond, John W., III
Edmunds, Frank L., Jr.
Edney, Leon A.
Edson, Philip N.
Edwards, Donald L.
Edwards, Marion R.
Edwards, Robert L.
Edwards, Scott
Edwards, Steven H.
Effron, Herbert M.
Egan, Joseph R.
Eggleston, John R.
Eglin, James M.
Eikel, Harvey A.
Elandt, Daniel A.
Eldredge, Floyd N.
Eldredge, Howard S.
Elich, Robert L.
Eller, Alvin L.
Elliott, David J.
Elliott, Robert J.
Elliott, William L.
Ellis, Herbert A., Jr.
Ellis, Howard R.
Ellis, Kermit R.
Ellison, Paul E.
Ellsworth, Warren R., Jr.
Emmett, Richard F.
Endter, Elmer W., Jr.
Engelken, Ralph L.
Enkeboll, Richard E.
Entwistle, Thomas W., Jr.
Epley, James M.
Epperson, John C., Jr.
Eppert, Robert T.
Eppling, David C.
Erbacher, Anthony E.
Erhardt, Francis J., Jr.
Ericson, Robert E.
Erikson, Theodore W.
Erner, Eugene J.
Erven, James S.
Essig, John R.
Estock, George, Jr.
Ettel, Michael J.
Eulenstein, Karl H.
Evans, George F.
Evans, Gordon E.
Evans, John A.
Evans, Ronald A.
Evans, Rowland G.
Eytchison, Ronald M.
Fahrney, David L.
Fairly, James P., Jr.
Fannon, James E., Jr.
Farley, Edward B., Jr.
Farnham, David W.
Farrar, Bobby C.
Farrell, Edmund F.
Feeney, Edward J.
Feeney, John S., Jr.
Fees, Howard J., Jr.
Felderman, John L.
Feldhaus, John A.
Felt, Bruce C.
Fenick, Joseph D., Jr.
Feran, Paul M.
Ferguson, Franklin E.
Ferguson, John K.
Ferguson, Robert H.
Fernald, Lloyd W., Jr.
Ferro, James L.
Fesler, Robert J.
Fetzer, Carl F.
Fickenscher, David B.
Fidlar, Richard A.
Field, Benjamin H.
Field, Blake E.
Fields, David E.
Finch, Charles C.
Findley, Anderson H., Jr.
Findley, Ronald C.
Findley, Thomas C.
Finley, John L.
Finn, William A.
Fischer, Warren H.
Fishburn, John H.
Fisher, Harvey E.
Fisher, James R.
Fisher, Richard L.
Fiske, Charles M.
Fiske, Harry K.
Fisler, Louis H.
Fitzgerald, James L., Jr.
Fitzgerald, Bernard M.
Fitzgerald, Thomas A., Jr.
Fitzgibbons, George P.
Fitzpatrick, Donald J.
Fitzpatrick, Chester L.
Fitzpatrick, Thomas J.
Flage, Donald W.
Flanagan, George T.
Flannery, William F.
Fleishman, Anthony T.
Fleming, James J.
Fleming, Robert E.
Fleming, Thomas E.
Flickinger, Dean F.
Flippin, Justin B.
Flow, James W.
Flowers, Thomas C., Jr.
Floyd, Francis M.
Fogarty, William M.
Follmer, Lloyd D., Jr.
Fondren, George
Foote, Ernest D.
Foote, Maynard D.
Ford, Frank R., Jr.
Ford, Raleigh R.
Fordham, Warren J.
Foreman, Merlin L. R.
Foresman, James H., III
Forhan, William P.
Forman, William S.
Forsgren, Dean H.
Forsman, Charles J.
Forst, Frederick
Forst, Ronald J.
Foss, Donald M.
Foss, Robert N.
Fowlkes, John H.
Fox, James C.
Fox, Richard A.
Fox, Robert F.
Fox, Sharon L.
Fox, Thomas R.
Fraas, Frederick V.
Frame, Don D.
France, Morgan M.
Frank, Carl J.
Franklin, John S.
Franks, Richard N.
Franks, Vernon M.
Freakes, William
Fredenburgh, Peter S.
Frederick, Richard A.
Frederick, Keith J.
Fredericks, Harold A.
Fredrickson, Arthur H.
Friederich, Bruce
Frommer, Paul S.
Fuchs, Jerry L.
Fulcher, James M.
Fuller, Gran F.
Fuller, Robert H.
Fullerton, George E., Jr.
Furminger, Harry C.
Gadbaw, Coleman J., Jr.
Gaillard, Richebourg, III
Gainer, Kenneth E.
Galavotti, Edward L.
Gales, George M.
Gallagher, Brian J.
Gallo, Salvatore F.
Galstan, Gerald N.
Gambel, Arlin H.
Gambill, Richard K.
Gamboa, John F.
Ganister, Frank J.
Gann, Dewey L.
Gant, James R.
Garcia, Rodolfo C.
Gard, Perry W., III
Gardner, John T., Jr.
Garland, Keith P.
Garrett, Donald F.
Garvey, William A.
Gatje, Peter H.
Gattis, Harold V.
Gaudry, Byron A.
Gay, Warren L.
Geesaman, Wilbur L.
Gentry, Kerry F.
Gentz, Richard C.
Georg, John A.
George, Hugo C.
Geraldson, Elmer L.
Gerould, Donald E.
Gerrish, Donald A., Jr.
Gessner, Bernard F., Jr.
Gibbons, Thomas
Gibson, David B.
Gibson, Douglas B.
Gibson, Richard C., Jr.
Gibson, Ronald C.
Gidge, Robert N.
Gies, Leo C.
Giese, Carl E., Jr.
Giganti, George M.
Gilbert, William G.
Gilchrist, William F.
Gilfillan, Thomas A., Jr.
Gillen, James F.
Gilles, John N.
Gillett, Robert M., Jr.
Gilligan, John K.
Gilliland, Lawrence A., Jr.
Gilmore, James G.
Gilmore, Russell E.
Gilstrap, Ralph M.
Gimber, Harry M. S., III
Giovanetti, Robert A.
Given, Philip R.
Gladin, Jack R.
Glancy, Robert J.
Glaser, Francis E.
Glenn, Walter H.
Glickman, Thomas W.
Gloeckner, Frank J., III
Glossner, Locke H.
Goetze, Warren K.
Gofus, Joseph G., Jr.
Goldenstein, Gordon R.
Goldsberry, Harold A.
Goldstone, Ronald G.
Goldy, Mark A.
Gomez, Alvaro R.
Goodman, Jess T.
Goodwin, James C., Jr.
Goodwin, James J.
Goodwin, Robert L., Jr.
Gordon, Bruce P.
Gorham, David S.
Gosebrink, Fred J.
Goss, James E.
Goto, Irving K.
Gott, William B.
Gottsche, Albert L., Jr.
Gould, Paul E.
Gowans, George K.
Gracy, Ronald A.
Graff, Dennis T.
Graff, Howard B.
Graff, Paul E.
Graham, George D.
Graham, Richard H.
Gram, Emil G.
Grant, Edward J.
Grasmuck, Robert J.
Graves, Ernest O., Jr.
Gray, James D.
Green, Frank C., Jr.
Green, Richard F.
Greenhoe, Duane F.
Greer, George B., Jr.
Gregory, Robert H.
Greiling, David S.
Griffin, David H.
Griffin, Gerald B.
Griffin, Hoke D.
Griffin, William H.
Griffith, Dwaine O.
Grimes, John E.
Grimes, Thomas W.
Grimm, Thomas D.
Groder, Richard A.
Gross, Alvin C., Jr.
Grossman, Dean A.
Gruendl, Paul L.
Gudmundson, Marvin L.
Guernsey, Charles H.
Guilbault, Roland G.
Gulliver, Victor S.
Gundermann, Richard T.
Gunderson, Donald H.
Gunter, Billie G.
Gurke, Donald L.
Gustafson, Earl F.
Gustafson, Kenneth R.
Gustafson, Charles B.
Guyle, James D.
Gwin, John O.
Haag, Ernest V.
Hacker, Benjamin T.
Haden, Dewitt T., III
Hadfield, Richard R.
Hagan, Wayne E.
Hagedorn, Edwin C.
Hahn, Donald L.
Hahn, Dwight E.
Hahn, Gerald L.
Hahn, John W.
Haigis, Erwin G., Jr.
Haines, Donald, A.
Hall, Alfred L.
Hall, Charles R., III
Hall, Gordon B., Jr.
Hall, Harley H.
Hall, John W.
Hall, Michael R.
Haller, Hubert M.
Hallier, Manuel A.
Halloran, William R., Jr.
Halm, Terrence W.
Halton, Nicholas H.
Halye, Lawrence A.
Hamaker, Rex G.
Hamilton, Jackie D.
Hamilton, Larry D.
Hamilton, William B., II.
Hamlett, John W.
Hammack, John E.
Hamrick, James M.
Hancock, Richard J., Jr.
Hand, William R.
Handley, Paul L.
Hanna, Donald V.
Hansen, Harry J., III
Harbrecht, Raymond J.
Hardin, William F.
Hardy, Ray S., Jr.
Harjehausen, Lawrence O.
Harmon, Jimmy J
Harner, Charles F., Jr.
Harper, Frances M., Jr.
Harper, Thomas J.
Harper, William L.
Harre, James L.
Harrell, Dowel W.
Harrington, John R.
Harris, Albert G.
Harris, Clarence H.
Harris, James O.
Harris, Jess M., III
Harris, Richard A.
Harrison, Charles E.
Harriss, David J.
Harshberger, Robert L.
Hartfelder, Richard F.
Hartman, Phillip G.
Hartman, Richard D.
Harvey, Walter D.
Hassel, Rolland R.
Hastie, Robert K.
Hastings, Ralph L.
Hatcher, Jerry M.
Hausmann, Zohn D.
Hawes, John K.
Hawk, Allan H.
Hawkins, Carl L.
Hawkins, Clyde D.
Hawkins, James R.
Hawkins, Leroy T.
Hawkins, Ray M.
Hawn, Jere R.
Haworth, Alvin G., Jr.
Hayden, James H.
Hayden, John R.
Haydock, Donald G.
Hayes, Wilbur
Hayes, William V.
Hayford, James E.
Hayman, William P.
Haynes, Harold J.
Haynes, Jerry R.
Hayter, Roscoe, Jr.
Hebert, Larry
Heck, Alger R.
Heckathorn, Clair E.
Hedgepeth, Ernest L.
Heimbuecher, Frederick J.
Heisner, Robert I., Jr.
Hekman, Peter M., Jr.
Hellewell, John S.
Helveston, Eugene H.
Hemphill, Allen P., Jr.
Henderson, Joseph R., Jr.
Henderson, Noel B.
Henderson, Ronald G.
Henderson, Arnold H.
Hendricks, Paul V.
Hendrix, Marion F.
Henry, Michael C.
Henry, Robert L.
Henzy, Charles B.
Herbert, Leo E.
Herig, Richard W.
Herman, Robert W.
Hernandez, Jesse J.
Hernon, Donald M.
Herold, Lance
Herrick, Austin W.
Herrin, William F.
Herring, George G., III
Hess, Ronald A.

Hester, James H.
Hewett, Marle D.
Hewitt, Wesley C.
Heyde, John S., Jr.
Heyduck, William R.
Heyward, Shannon D.
Hickling, Harley E.
Hiebner, Robert J., Jr.
Higginbotham, John D.
Higgins, Harley J.
Higgins, James D., Jr.
Higgins, William H.
Hill, Eugene L.
Hill, Glendon E.
Hill, John F.
Hill, Martin G.
Hill, Richard E.
Himmerich, Allison F.
Hines, Dean H.
Hines, Rubert, Jr.
Hinson, Elbert F.
Hite, Philip R.
Hite, Tom B.
Hix, Jack M.
Hobler, William J., Jr.
Hodge, Byron F.
Hodgens, Jack A.
Hodges, Virgil C.
Hodgkins, William S.
Hodkins, William F.
Hoech, Donald G.
Hoel, Jack I.
Hoff, Michael G.
Hoffer, Leon E., Jr.
Hoffman, George A.
Hoffman, John M.
Hogan, Lawrence M.
Hogan, Thomas W.
Hogendobler, Clyde K.
Hohmann, William D.
Hokeness, Sylvan P.
Holcomb, Don
Holdorf, John C., Jr.
Holland, Joe L.
Holland, John D., Jr.
Hollister, Floyd H.
Holloman, Floyd W., Jr.
Holmberg, Bruce A.
Holmes, Dan N.
Holmes, Frederick L.
Holmes, Wayne M.
Holsten, Donald W.
Holt, Arvil A.
Holt, Fred C.
Holt, Jerry L.
Holt, John A., III
Holt, William C.
Holthaus, Hollis L.
Holtzclaw, John W.
Holzhaeuser, Arthur E.
Holzschuh, Jacob R.
Homan, Clifford F.
Hooks, Edward F.
Hope, Lawrence A., Jr.
Hopkins, Jae E.
Hopkinson, Francis G.
Hoppe, Herbert L.
Horn, Leslie J.
Horne, William F.
Horsefield, John E.
Hostetler, Glen W.
Hotard, William C.
Howard, William S., III
Howe, Frederic N., Jr.
Howe, Jonathan T.
Hower, James J.
Howland, John H.
Howley, Thomas F.
Hubbard, Ray G., Jr.
Hubitsky, John E.
Huckabay, William O., Jr.
Huddleston, Charles R., Jr.
Hudnall, Robert M.
Huebel, Melvin R.
Huff, Douglas
Hughes, Clarence O., Jr.
Hughes, Robert L.
Hughey, Ira A.
Hulme, John B.
Hummer, John J.
Hunsicker, Edmund K.
Hunter, Harold C.
Huntington, Stuart L.
Hurwitz, Paul M.
Hutchins, John R.
Hutchinson, Peter A.
Hutchinson, Joseph D.
Hyatt, Leo G.
Ianson, Lawrence W., Jr.
Immerman, Arthur L.
Ingle, Carl E.
Ingram, Forney H., Jr.
Ingram, Ronald F.
Inman, Raymond E.
Irvin, Robert M.
Isaacson, Alan T.
Isherwood, Raymond T.
Iverson, Dale A.
Ives, David W.
Ivey, Clarence G., Jr.
Jackmond, Arnold D.
Jackson, Jerry H.
Jackson, Kermit J.
Jackson, Milton, Jr.
Jackson, Morse R.
Jackson, Paul F.
Jackson, Perry Y., Jr.
Jacobi, Thomas E. J.
Jacobs, Paul H.
Jacobs, Selby W.
Jacobs, Thomas L.
Jacobson, Mark A.
Jacobson, Walter D.
Jacoby, Cliffton G.
Jaeger, James W.
Jakubczak, Jerome F.
James, Thomas P., Jr.
Jamroga, John J.
Jarrell. Jerry D.
Jarrett, Edwin B.
Jasman, David A.
Jelks, John L., III
Jenkins, George J., Jr.
Jenkins, Roger G.
Jensen, Robert L.
Jerns, Robert L.
Jerome, John D.
Johnson, Charles O.
Johnson, Curtis W.
Johnson, David H.
Johnson, Everett L.
Johnson, Kenneth W.
Johnson, Leonard W., II
Johnson, Lester O., Jr.
Johnson, Raymond L.
Johnson, Ronald L.
Johnson, Ronald L.
Johnson, Robert A.
Johnson, Theodore R., Jr.
Johnston, Buddy C.
Johnston, William A.
Jolliffe, Richard L.
Jones, Arden W. F., Jr.
Jones, Benjamin W.
Jones, Chilton R.
Jones, Colin M.
Jones, Daniel P., Jr.
Jones, Francis P.
Jones, Harold L.
Jones, Howard R., Jr.
Jones, Jenus "B"
Jones, John S.
Jones, Meredith R.
Jones, Richard N.
Jones, William D.
Jordan, Dennis R.
Jordan, William T.
Jowers, James W.
Judge, Joseph I.
Junghans, Peter A.
Kahler, Donald A.
Kallal, James J.
Kalowsky, Walter W.
Kampen, Kenneth B.
Kane, Fredric C., Jr.
Kane, William R.
Karr, Richard P.
Katz, Bennett D.
Katzen, Murry
Kauber, Rodney K.
Kaufer, Richard A.
Kauffman, William C.
Kaufman, Larry E.
Kaup, Robert C.
Kay, William G.
Keen, Arthur E.
Keenan, John D.
Keesler, Byron H.
Keiler, Joseph A.
Keim, Clarence H.
Keir, Stephen D.
Keith, Frederick W., Jr.
Keith, Robert T. S., Jr.
Kele, Jordan, III
Keller, Lewis D.
Kelley, Robert D.
Kellogg, Edward F.
Kelly, Harold T.
Kelly, Harold W.
Kelly, Robert J.
Kelly, Thomas
Kelly, William S.
Kennedy, Peter P.
Kennedy, Philip J.
Kenney, Daniel J.
Kenney, James A.
Kensinger, Roy A.
Kenttopp, Donald E.
Kerman, William O., Jr.
Kerr, Daryl L.
Kerr, William A., Jr.
Kersh, John M.
Kershner, Robert L.
Keske, Carl D.
Kessler, Edward L., Jr.
Kessler, John C.
Kessler, Robert R.
Kesterson, Windolan W.
Kiefer, Martin D.
Kiel, Richard H.
Kight, James R.
Killingsworth, Monte L.
Kindig, James N.
Kineke, John I.
King, Carleton J., Jr.
King, James W.
King, Larry N.
King, William K.
Kingston, Kenneth H.
Kinnier, John W.
Kirby, Raymond E.
Kirk, Daniel K., Jr.
Kirk, Edward R.
Kirkconnell, William B.
Kirkland, Thomas J., III
Kirkman, Roger J.
Kirkpatrick, Kenneth M.
Kirsch, Walter J.
Kistler, George K.
Kitchens, Charles R.
Klett, William G. M.
Klinger, Gerald F.
Klinedinst, Paul R., Jr.
Klipp, Eugene R.
Knapp, Norman E., Jr.
Knight, Walter E.
Knodle, William C.
Knott, Richard C.
Knutson, Jerry G.
Kober, Harry P., Jr.
Koch, William A.
Koczak, Edward J., Jr.
Koehler, Norman E., III
Koenig, John W.
Kofoed, Robert M.
Kohli, Dennis W.
Kolb, John R.
Komp, Richard L.
Konkel, Harry W.
Kopec, Thad L.
Kosoff, Tracy M.
Koster, Alfred M., IV
Kraft, Robert M.
Kramer, Robert G.
Kramer, Theodore R., Jr.
Kraper, William H.
Krasts, Ilmars
Krebs, Fred A.
Kreglo, Darrel D.
Krehmeyer, James A.
Kreiner, Robert F.
Kreitner, Clinton W.
Krieger, Charles J.
Kriewall, Royce L.
Krueger, Orton G.
Kryway, John T.
Kuechmann, Jerome A.
Kuehn, Gordon N.
Kuhlke, Robert E.
Kuhn, Edward R.
Kuhn, Joseph L.
Kuhneman, Martin F.
Kunkel, Barry E.
Kunkel, Larry D.
Kuntz, David S.
Kung, Chester A., Jr.
Lachance, George M., Jr.
Laitala, Theodore A., Jr.
Lamay, Urban R., Jr.
Lamb, Ellis R., Jr.
Lamoureux, Robert J.
Lampert, George E., Jr.
Landaker, John A., Jr.
Landrum, Raymond G
Lane, John W., Jr.
Lange, William G.
Langholz, Marcus J.
Lanham, Mack S.
Lanman, George M.
Larabee, Kent W.
Larsen, John T.
Larson, Charles W. II
Larson, Charles R.
Larson, Jerold J.
Larzelere, Charles W., III
Laseter, Jesse L.
Laskaris, Gus C. A.
Lassiter, Eugene L.
Lauer, Dudley S.
Lauf, Joseph W.
Lauk, Richard E.
Lavender, Carlos F.
Lavinder, Carlton L., Jr.
Law, James E.
Lawrence Kent B.
Lawrence, Paul L.
Laws, Charles F.
Lawson, John R.
Lax, Lee C.
Layman, Douglas K.
Leach, Richard D.
Leake, Milton H.
Leap, David P.
Leary, John A., II
Leavitt, Richard C., Jr.
Lee, Bobby C.
Lee, Leonard F.
Lee, Richard H.
Leech, Joseph W.
Leisentritt, Frederick C., III
Leisy, Ned B.
Lence, James O.
Leonard, William J.
Leroy, Franklin T.
Lesesne, Henry D.
Leshko, Thomas J.
Leslie, William N.
Lester, Roy E.
Lester, Walter B., Jr.
Leszcynski, Vincent J.
Leuschner, Robert L., Jr.
Leverage, William N.
Levin, Richard R.
Levin, Roger L.
Lewis, Frederick E.
Lewis, Marwood D.
Lewis, Robert K., Jr.
Leygraaf, Gerard J.
Lightstone, John L.
Lima, John A.
Lindland, Donald F.
Lindsey, Eugene E., Jr.
Lindstrom, Axel L.
Lindstrom, Harry E.
Lineback, Harry W.
Lineberger, Preston H.
Link, Richard "J"
Lino, Norman J.
Lisle, George F.
Litton, Robert C.
Livingston, Gill F.
Lloyd, George M.
Lloyd, George T.
Lobb, Clarence E.
Lockard, William H.
Lockwood, Robert K., Jr.
Loewenthal, Robert G.
Loftus, Stephen F.
Loman, Cleve E., Jr.
London, "J" Phillip
Long, Carl H., Jr.
Long, Charles W.
Long, David E.
Long, George T.
Long, James H.
Lonnegren, Robert C.
Lorusso, John M.
Louis, David R., Jr.
Lovejoy, Richard E.
Lowe, Gary B.
Lowe, Ira J.
Lowe, Larry T.
Lowery, Needham H.
Lowrance, Douglas L.
Lubbers, Gary W.
Lucas, Clyde H., Jr.
Lucas, Robert P.
Luders, Ernest C.
Ludwig, Ronald E.
Luehring, Davdison
Lueker, Wendell H.
Luhrs, Larry L.
Luke, Charles T., Jr.
Luke, Robert A.
Lukenas, Leo A.
Lusk, James R.
Luter, Thomas H.
Lynch, Clayton W.
Lyon, Edward, III
Lyon, Hylan B., Jr.
Mabrey, Richard L.
Macauley, William F.
MacCubbin, George E., Jr.
MacGregor, Robert M.
Machowski, Walter
MacKay, David W.
MacKay, Richard W.
MacKenzie, Franklin F.
MacKinnon, John H.
MacKinnon, Richard A.
MacLean, Rupert E., Jr.
MacLeod, Wallace F., Jr.
MacNeill, Donald W.
MacVean, Charles R.
Maddox, Ralph R.
Maddox, Rex A.
Madouse, Richard L.
Madsen, Marvin D.
Magee, Francis H.
Magee, James A.
Magner, Lawrence R.
Maguire, Thomas J.
Maher, Daniel R.
Mahon, Edward J., Jr.
Mahoney, Terrence M.
Maier, Peter T.
Maier, William H.
Major, James A.
Malina, William E.
Malleck, Andrew T.
Mallek, George A.
Malley, Kenneth C.
Malmquist, Emil D.
Malone, Robert S.
Maloney, Thomas C.
Maloy, Larry L.
Malsbary, Samuel C.
Mamele, Clayton C.
Manahan, Maurice H.
Maneely, Carl L.
Mangol, Frederick N.
Mansfield, Bobby D
Mansfield, Joseph S., Jr.
Marcom, James C.
Margedant, John W.
Marin, Richard
Markey, Alden C.
Marnane, Thomas A.
Maroldy, Thomas M.
Marr, William T.
Marrapodi, Joseph F., Jr.
Marsh, Arnold D.
Marshall, Robert L.
Marshall, William H.
Martin, James J., Jr.
Martin, Marshall W.
Martin, Richard W.
Martin, Richard L.
Martin, Richard H.
Martin, William G.
Marxer, Hugo E.
Masar, Philip T.
Massa, Lawrence L.
Massey, Lance B.
Massimino, Andrew S.
Masten, Lawrence E.
Masters, David R.
Mather, Larry L.
Matheson, John W.
Mathis, Elliott L.
Matolay, Nils A.
Matthews, Gary D.
Mattingly, Thomas K., II
Maulin, William H.
Mauz, Henry H., Jr.
Maviglia, Frank A.
May, Wesley
Mayo, Ned H.
Mays, Samuel E., Jr.
Mazeika, Robert G.
Mazzola, Vincent S.
McAdams, Charles F.
McBride, Joseph W., Jr.
McBrien, Jack W.
McCain, John S., III
McCall, Ralph B.
McCandless, Bruce, II
McCandless, John E.
McCann, John J.
McCarter, Jonathan C.
McCarthy, James F.
McCarty, Kenneth R.
McCauley, George K.
McCauley, Victor
McCaull, John W.
McClary, Richard C.

McClendon, Leigh A., III
McClure, Gilson K., Jr.
McConnel, Richard A., Jr.
McConnell, Harry E.
McConville, Edwin B.
McConville, James E.
McCormick, Gerald J.
McCorry, John H.
McCracken, Richard L.
McCroskey, Bobby R.
McCue, Jerome E.
McCulloch, James M.
McCullough, Robert F.
McCullough, Lawrence E.
McCullough, David U.
McCullough, Martin L.
McCutchan, Milton L.
McDaniel, Robert S.
McDermott, Joseph T.
McDermott, James J.
McDonald, Gerald W.
McDonald, John W.
McDonald, Michael H.
McDonough, Robert N.
McEwen, Robert M.
McFadyen, John B.
McFarland, James S.
McFerren, Robert W.
McGann, Robert G.
McGhee, Kenneth B.
McGill, James A.
McGinty, Thomas J.
McGlasson, Daniel E.
McGrail, Charles R., Jr.
McGraw, Lloyd H.
McGruther, Gordon T.
McGuigan, David B.
McGuire, Michael L.
McGuirk, William E.
McHugh, William M.
McIntosh, William H., Jr.
McInvale, Joe B.
McKee, Junious A., Jr.
McKee, Richard G.
McKenzie, Gene T.
McKenzie, Walter K.
McKinney, Charles J., Jr.
McLaine, Warren E., Jr.
McLane, Michael J.
McLaughlin, Bruce C.
McLaurin, Kenneth E.
McMahon, Marvin R., Jr.
McManis, David L.
McMichael, John C., Jr.
McMichael, George L.
McMillan, John G.
McMillen, Kenneth A.
McMorris, John A., II
McNichols, John P., Jr.
McNulla, James E., III
McPherson, Roger B.
McQuay, Robert B.
McRight, Clarence, Jr.
McVadon, Eric A., Jr.
McVay, Wesley J., Jr.
McVicker, James L.
Meaux, Richard P.
Medlin, William B.
Meeker, Charles M.
Meeker, Quentin S.
Meenan, Robert L.
Meers, Alfred J.
Meese, Richard E.
Megehee, Louis D., Jr.
Megonigle, Carl E.
Meinhold, Richard J.
Meinig, George R., Jr.
Melanson, Edward J., Jr.
Melillo, Michael J., Jr.
Mello, William M.
Melnick, Norbert W.
Mendenhall, Carlos C., Jr.
Mericle, David L.
Merriken, Stuart A.
Merry, Theodore R.
Mesec, Gilbert R.
Metz, Fredrick J.
Meukow, Walter T.
Meyer, Dale A.
Meyer, Donald C.
Meyer, Frank W.
Meyers, Michael S.
Mezzadri, Francis X.
Mickle, William M.
Middleton, John E.
Midgarden, Peter N.
Midtvedt, Harold L.
Miklas, Ramutis K.
Miklos, Thomas J.
Milanytch, Nickolas I.
Miller, Aloysius R.
Miller, Charles L.
Miller, Douglas A.
Miller, Edmund B.
Miller, Edward A.
Miller, George W., Jr.
Miller, Hawkins G.
Miller, Henry W., Jr.
Miller, Larry S.
Miller, Nigal E., Jr.
Miller, Peter R.
Miller, Robert L.
Miller, Robert D.
Mills, Christopher M.
Mills, Neal O.
Miltenberger, James R.
Miniter, Howard E., Jr.
Mitchell, Donald L.
Mitchell, Kenneth F.
Mitchell, Walter F.
Mixson, Riley D.
Modeen, Victor D.
Moe, Richard B.
Monger, Dan D.
Monroe, Philip A.
Montag, Charles F.
Montalbine, Gary E.
Monteath, Gordon M., Jr.
Montgomery, Donald J.
Mooney, Andrew R.
Moore, Aubrey A., Jr.
Moore, David W.
Moore, Gerrell D.
Moore, Jack R.
Moore, James B.
Moore, James C.
Moore, Jimmie R.
Moore, Leonard M.
Moore, Rufus B.
Moore, Thomas J.
Moore, Thomas R., Jr.
Moore, Walter L., Jr.
Moore, William N.
Moore, William B., Jr.
Moran, Francis J., Jr.
Morcerf, Lester A., Jr.
Moreau, Ronalld F.
Moreland, Floyd E.
Morgan, David E.
Morgan, James L.
Morgan, William O.
Morgan, William A.
Moroney, William M.
Morris, Clyde C.
Morris, David R.
Morris, Harold G., Jr.
Morris, Harold D.
Morrison, Frederick S.
Morrison, Jerry E.
Morrison, Orrin L.
Morrow, Billy R.
Morse, Raymond M.
Mortenson, William P.
Moser, John A.
Moser, Robert L.
Mosher, Norman G.
Mosman, Donald E.
Moss, Robert L.
Mott, George E., III
Mott, Louis D.
Mowery, Russell V.
Moynihan, John J.
Mueller, Lincoln H.
Mueller, William A.
Mulhern, Thomas A.
Mullaly, Raymond K.
Mullaly, William J.
Mumford, Robert E., Jr.
Munch, Charles H.
Munsinger, Melvin D.
Munson, John H.
Murdoch, Thomas M.
Murphy, Chester A.
Murphy, James H.
Murphy, John C.
Murphy, Michael A.
Murphy, Norbert P.
Murray, Gordon L., Jr.
Murray, Joseph W.
Murray, Thomas R.
Musgrove, Robert W.
Nace, Larry D.
Nagle, Richard D., Jr.
Nahlovsky, Richard E.
Nakagawa, Gordon R.
Nall, Harold W.
Nance, Ivan V. A., Jr.
Narro, Arthur T.
Nash, Norman B.
Nazak, Robert M.
Neary, Joseph F.
Nedry, Robert D.
Nelson, Henry E.
Nelson, John P.
Nelson, Mark V. V.
Nelson, Richard M.
Nesbit, Arthur M.
Neuner, Frank J.
Nevin, Robert F.
Newby, Burton C.
Newcomb, David A.
Newell, James F., Jr.
Newell, John W.
Newlin, John J.
Newlon, Benjamin F.
Newton, George B., Jr.
Ney, Kenneth L.
Nicholas, Joseph
Nicholas, Jack R., Jr.
Nichols, James R.
Nichols, James L.
Nichols, John B., III
Nichols, Richard D.
Nicholson, Walker D.
Nickerson, Walt S., Jr.
Nicolls, Robert P.
Nider, Kenneth E.
Niedbala, Joseph T., Jr.
Nielsen, Niel P.
Nolan, Bruce F.
Noll, Charles F.
Nollan, Walter J.
Norfleet, Eric H.
Normand, Eugene J.
North, William J.
Norton, Lee E., Jr.
Norton, Richard
Nottoli, George F.
Nunnery, Alex "M", Jr.
Nutting, Roger M.
Nystrom, Peter C.
Oakey, Eugene S.
O'Beirne, Frank, Jr.
O'Brien, George E.
O'Brien. John
O'Brien, Walter H.
O'Connell, Daniel J.
O'Connell, James J.
O'Connor, Henry S., Jr
O'Connor, Michael G., II
O'Connor, Paul
O'Dea, Thomas V.
Ogren, John P.
O'Hara, James P., Jr.
O'Heir, Edward R., Jr.
O'Leary, John P., Jr.
Oleson, Charles A.
Oliver, Earl L.
Oliver, William H.
Olmstead, Clifford D.
Olsen, Kenneth A.
Olson, Charles J., III
Olson, Philip C.
Omberg, William F.
Oncea, George
O'Neal, Edward A.
O'Neil, Larry L.
O'Neil, William A.
O'Neill, Cornelius T.
O'Neill, James P., Jr.
Ong, Richard E.
O'Rourke, Bernard F.
Osberg, John W., III
Osborne, James T.
Osborne, Robert B.
Osgood, Franklin B.
Ostrander, William E.
Ostrom, Robert E.
O'Sullivan, Joseph F.
O'Toole, William A.
Otto, Carl H.
Overbeck, Byron K., Jr.
Overholser, Merlin K.
Owen, Robert S.
Owens, Ramon R.
Pabst, Howard L.
Page, Richard L.
Pakradooni, Haig H., III
Palmer, James A., Jr.
Palmer, William N., II
Pape, Jerry L.
Pappas, Albert J.
Paradis, Paul A.
Parcell, Kenneth H.
Parker, Donald F.
Parker, Richard L.
Parker, Richard S.
Parks, Terrence J.
Parks, William H.
Parnell, Ural C.
Parrish, David F.
Partlow, James G.
Pass, Robert L.
Pate, Zachariah T., Jr.
Patella, Lawrence M.
Patrick, Meredith W.
Patrick, William D.
Patterson, Dale K.
Paul, John S.
Peace, John D., III
Peace, Oscar
Peacher, Robert W.
Pearce, Michael A.
Pederson, Noel N.
Peechatka, Larry O.
Peerenboom, William H.
Pellerin, Alfred E., III
Peltz, Theodore A.
Pender, Thomas
Pendergrass, Curtis S.
Pendleton, David L.
Pendley, William T.
Penny, Lawrence A.
Penta, Albert M.
Peresluha, Edmund J., II
Peri, Victor P.
Perkins, Robert S., Jr.
Perusse, Robert E.
Peters. John D.
Peters, Milton G.
Petersen, Halvor N.
Peterson, Charles B.
Peterson, Christopher B.
Peterson, Charles A.
Peterson, Paul A.
Peterson, Robert A.
Petroske, Kenneth C.
Pfeifer, Robert D.
Pfister, Donald L.
Pharis, Wade J.
Phelps, George T.
Philipps, George
Phillips, Clifford R.
Phillips, John C.
Phillips, Robert F. H.
Phillips, Robert E.
Piccioni, Jerome D.
Picher, Francis X., Jr.
Pickering, Gary W.
Pidgeon, Edward T., Jr.
Pidgeon, Robert H.
Pierce, George E.
Pigg, Bobby J.
Pilcher, Eugene T.
Pingel, Leon J.
Pinson, Peter C.
Pinto, John M., Jr.
Pippenger, William W.
Piskorski, Stanley
Pistotnik, James J.
Pitman, John R.
Pittenger, Richard F.
Pivarnik, William D.
Pizinger, Donald D.
Plum, George E.
Poarch, William H.
Poindexter, John M.
Poland, Clarence, Jr.
Pollock, Grant H.
Polski, Paul A.
Poole, James R.
Poore, James S.
Poremba, Stanley, Jr.
Port, Joseph C.
Porter, Donald H.
Porter, Gene H.
Porter, Oliver H.
Porter, Richard G.
Porter, Richard B.
Potter, James A.
Pottratz, Richard K.
Pounds, Philip C., Jr.
Powell, Daniel G.
Powell, David R.
Powell, Frederick C.
Powell, Ralph E.
Powers, Richard M.
Prather, Robert J., Jr.
Pratt, John L.
Prenzlow, Roger E.
Pressly, James M.
Preston, Craig A.
Prevo, Kyle T., Jr.
Price, Billie L.
Price, Robert P.
Pricenski, Henry J.
Proctor, Robert R.
Prosser, Norman E.
Pruett, Ronald L.
Pruitt, Arnold W.
Przekurat, Eugene E.
Puerling, Peter N.
Pugh, Jimmy B.
Pulling, Wayne E.
Purnell, Clement I.
Putman, James L.
Putnam, Wayne A.
Pyatt, Arnold F.
Pye, Reginald C., Jr.
Pyle, Ronald W.
Quantock, Charles W.
Quatrerman, David H.
Quast, Harry S.
Quay, Thomas W.
Quigley, Joseph M.
Quinn, Eugene F.
Quinn, James H.
Quinn, Richard H.
Quitiquit, Max
Radecki, Richard A.
Ragen, Jerome C.
Ranes, George J.
Rasmussen, Keith L.
Rasmussen, Larry K.
Rasmussen, John D.
Ratto, Lawrence J.
Rauch, Leo A.
Rauch, Wayne N.
Raudio, Victor J.
Raynis, Harrison R.
Re, Joseph M.
Read, Dennis, S.
Reavis, Leland H.
Redford, Maury E., Jr.
Redgate, James P.
Redman, Robert L.
Reed, John C.
Reed, Robert B., Jr.
Reed, William H., Jr.
Reed, William T.
Reeve, William F.
Rehder, William A.
Reich, William F.
Reichart, Harold L., Jr.
Reid, James R., III
Reid, Lawrence R., Jr.
Reilly, Robert K.
Reimann, Robert T.
Rein, Robert J.
Reinhardt, Richard L.
Reioux, Lewis E., Jr.
Reister, Walter A.
Reitmeier, Bernard S.
Remoll, Charles M.
Rempt, Henry F., Jr.
Remsberg, Adrian M.
Renner, William S.
Rentle, Norman L.
Repp, Robert W.
Retz, Michael J.
Retzlaff, Robert R.
Reuscher, David L.
Reynolds, Bernard J.
Reynolds, Ted "W"
Rice, Bill B.
Rice, Lloyd K.
Rice, Loren M.
Rice, William L.
Rich, Roger L., Jr.
Richard, James E.
Richard, Roy A.
Richardson, John D., Jr.
Riches, Raymond C.
Richmond, Norman W.
Rickwald, Ronald R.
Riedel, Bernard, Jr.
Riess, William A.
Riggs, Donald E.
Riley, Charles E.
Riley, William E.
Ringele, Leander M.
Riordan, William P.
Ripple, James E., Jr.
Ritchie, Sherwood L.
Rivenbark, David C., Jr.
Roach, Alan G.
Robbins, Berton A., III
Robbins, John E.
Robbins, William T., Jr.
Robe, Robert W.
Roberson, Arleigh E.
Roberson, Harold J.
Roberts, Earl L.
Roberts, Gary K.
Roberts, Jack L.
Roberts, James J.
Roberts, James H.
Roberts, William D.
Robertson, Robert D.
Robino, Antonio P.
Robins, Harry B., Jr.
Robinson, John W.
Robinson, Kenneth F.
Robinson, Kenneth G.
Robinson, Wayne
Robison, Delma C.
Roder, Peter S.

Roeser, Walter V., Jr.
Rogers, Donald K.
Rogers, Gerald W.
Rohrbough, John D.
Rokowski, Ernest L.
Rommel, John R.
Romoser, William K., Jr.
Rose, Rufus R.
Rosen, Robert S.
Rositzke, Robert H.
Ross, Norman A.
Ross, Thomas E.
Roth, James E.
Roth, Robert M.
Rothrauff, Thomas B.
Rouse, Walstein M.
Rowland, Richard P.
Rowles, John F., III
Rowley, Cornelius M.
Roy, Arthur
Royse, Perry R., Jr.
Ruby, Scott M.
Rucker, William A., III
Rucks, Ronald A.
Rueckert, Nils
Rumney, Robert E.
Runzo, Melvin A.
Ruona, Keith V.
Russell, Earl H.
Russell, Harold B.
Russell, Leverett E.
Russell, Richard W.
Rutemiller, Oren G., Jr.
Rydzewski, James C.
Sachse, Clark D.
Sajdera, Robert M.
Sakey, Leyon D.
Sallee, Ralph W.
Salley, Alexander M.
Salmon, Walter W., Jr.
Salovitch, Edward M.
Salyer, Ronald G.
Sample, Bobbie L.
Sampson, James W.
Sanders, Sheldon M.
Sandke, William K.
Sanson, Robert G., Jr.
Santoro, Paul J.
Sapp, Edford W.
Saracco, Robert L.
Sargeant, Richard W.
Sauer, Robert C.
Savage, Billy B.
Sawdey, Phillip G.
Sawyer, Tommy D.
Scales, Richard H.
Scanlon, Edward P.
Scantlin, William S.
Scarborough, Vernon R.
Schaffer, David G.
Schaffer, Ruben W.
Schaper, Darwin E.
Schauer, Allan D.
Scheible, Jack W.
Schell, John J.
Schimming, John G.
Schiwitz, Preston G., Jr.
Schlauder, Wallace J.
Schleicher, Richard J.
Schloman, Gerald R.
Schluntz, Frank R.
Schneider, Henry J.
Schneidewind, Gilbert P.
Schoenfeld, Jay K.
Schoocraft, James L.
Schoonover, Richard T.
Schrader, Norman E., Jr.
Schramm, William G.
Schroeder, Gerald R.
Schultz, Robert F.
Schulz, Russell K.
Schulz, William J.
Schwartz, Donald M.
Schwarzenbach, Hart J., Jr.
Schweizer, Otto A., Jr.
Scott, Douglas L.
Scott, Milton M.
Scram, Andrew D.
Sealey, John W.
Searcy, William P.
Sears, David F.
Sears, Gilbert H., Jr.
Secor, Richard A.
Sedor, Gerald
Seeberger, John J.
Segelhorst, Herbert E.
Seger, Ralph L., Jr.
Seidel, Melvin L.
Selden, Carl I.
Sendek, Joseph M.
Seng, William R.
Severance, Laverne S., Jr.
Shand, Richard M.
Shapero, Allen L.
Sharp, Bill W.
Shattuck, George W.
Shattuck, William D.
Shawkey, Dallas W.
Shay, James E.
Shea, John J.
Sheehan, James E.
Shelby, Lawrence T.
Shelton, James W.
Shepherd, Harold D.
Sheppard, Donald D.
Sherburne, Douglas M.
Sherlock, Wilbur J.
Sherman, John M.
Sherman, John E.
Sherrod, Douglas F.
Shewmaker, John B.
Shields, Ronald M.
Shope, Leonard S.
Shope, Theodore L.
Shoquist, David R.
Showman, Loyd "C", Jr.
Shriver, Norman W.
Shriver, Robert A.
Sick, Gary G.
Sickman, John F., Jr.
Siegel, Kent R.
Siegwarth, Charles E., Jr.
Sillery, Charles D.
Silverman, Richard A.
Silvia, Charles P.
Simmons, James L.
Simon, James W.
Simonton, Bennet S.
Sims, Robert B.
Skelly, John F.
Skezas, George C.
Skinner, Albert G.
Skinner, George R.
Skrukrud, Clare E.
Slater, Larue D.
Slaven, Robert K., Jr.
Slayman, Kelson E.
Sloan, Dennis Y.
Sloane, Stephen B.
Slye, Richard E.
Smedberg, Edwin B.
Sminkey, Robert L.
Smith, Bertram D., Jr.
Smith, Charles J.
Smith, Clinton L.
Smith, Clyde A.
Smith, Darryl W.
Smith, Don L.
Smith, Donald D.
Smith, Gary T.
Smith, Jimmy F.
Smith, Leon L., Jr.
Smith, Leonard T.
Smith, Leverne O.
Smith, Nepier V.
Smith, Paul D.
Smith, Peter T.
Smith, Ralph E.
Smith, Roger A., Jr.
Smith, Samuel
Smith, Wayne A.
Smith, William P.
Smith, William J.
Smith, William S., Jr.
Smith, William E., Jr.
Smith, William B.
Smithey, William J. H.
Smolnik, Daniel
Smoot, John H.
Snell, William F.
Snyder, Carl L.
Snyder, Jerry E.
Snyder, William R.
Solomon, Selig
Sommer, Henry J., Jr.
Sopko, John R.
Sorensen, Richard S.
Sorna, Ronald E.
Soules, Charles W.
Southern, Wilson E.
Spadoni, Eugene A.
Sparks, Neil R., Jr.
Spencer, Thomas J.
Spillars, Harold S.
Spraker, Irvin L.
Springer, Judson H.
Springstead, Lester K.
Spydell, Robert E.
Squires, Robert W.
Staats, Beverly R. W., II
Stacey, John L.
Staff, Roger S.
Stahel, Ervin D.
Staiger, Martin
Stampfli, Donald M.
Stanfield, Donald G.
Stangle, William J.
Stanley, James E.
Starbird, Gary L.
Stark, William R.
Starrin, Roy E.
Staudenmayer, Frederick G.
Steckler, Charles T.
Steckler, Joseph L.
Steed, Samuel
Steele, Harry A., Jr.
Steele, Robert J.
Stegall, Woodie C., Jr.
Stein, Edwin F., Jr.
Steine, Zachary
Steiner, Frederick N.
Stephens, William L.
Sterritt, James W.
Steveley, Robert V.
Stevenson, Frederick R.
Stevenson, Leon M., Jr.
Stevick, Jerold C., Jr.
Stewart, Edward L., Jr.
Stewart, George W., Jr.
Stewart, Keith A.
Stewart, Wayne B.
Stibler, Robert W.
Stinson, William O.
Stith, Charles E.
Stockstad, Ralph F.
Stoetzer, Raymond N.
Stogis, Peter D.
Stoker, Laron "L"
Stokes, Carl J., Jr.
Stone, Robert L.
Stoodley, Francis H.
Storey, Edward L.
Stouffer, John W., II
Stouppe, David E.
Stout, Richard D.
Strahm, Kenneth A.
Straight, Donald O.
Strain, Gary C.
Straney, Donal R.
Strange, Robert O., Jr.
Streeter, Gregory F.
Strey, Carol G.
Strickland, Stanley P.
Strickland, Virgil E., Jr.
Strole, Dennis S.
Strong, Bruce W.
Strunk, David W.
Stubbs, David W.
Stubbs, George R.
Stumcke, Frederick B., Jr.
Sturgill, Jack D.
Sturm, Paul M.
Sturr, Henry D., Jr.
Sudholz, Herman O.
Suereth, Elwood J.
Sullivan, Donald R.
Sullivan, Donald K.
Sullivan, Gerald F.
Sullivan, Jermiah F.
Summers, Carl R.
Surles, Glynn
Surratt, Henry C., Jr.
Sutphen, Harold J.
Suttmann, Marvin H.
Sutton, Charles R.
Sutton, Jack D.
Svoboda, Henry D., Jr.
Swain, Donald D.
Swallow, James R.
Swanson, Leonard B., Jr.
Sweat, Wesley A., Jr.
Sweeney, Charles J., Jr.
Swendsen, Donald M.
Swisher, Dale W.
Switzer, James D., Jr.
Sword, Curtis S., Jr.
Szczecinski, Joseph L.
Taft, Denis J.
Taipale, Raymond D.
Tarkowski, Ronald C.
Tarquin, Donald C.
Tarrico, George J.
Tate, Robert H., Jr.
Tateosian, Franklin D.
Tatro, Peter R.
Taunt, Melvin E.
Taylor, Brent W.
Taylor, Donald A.
Taylor, James T., Jr.
Taylor, James R. C.
Taylor, Jimmie W.
Taylor, John K.
Taylor, Philip H.
Taylor, Thomas P.
Taylor, Vance A.
Teague, Robert A.
Tedder, James E.
Templeton, Robert N.
Templeton, Felix E.
Tenefrancia, Ambrose J., Jr.
Terry, Bert D.
Terry, Ross R.
Theriault, Willard
Therrien, Leo E., Jr.
Thiemann, Henry J. F., Jr.
Thoen, Glenn R.
Thomas, Bruce A.
Thomas, David M.
Thomas, Jack R.
Thomas, James P. L.
Thomas, Kinnison H.
Thomas, Richard W.
Thomas, Richard S.
Thomas, Richard K.
Thomas, Robert H.
Thomas, Robert D.
Thomasson, William O.
Thompson, Fred E.
Thompson, Glynn M.
Thompson, Tyler H.
Thorne, Charles E.
Thorpe, Paul J.
Thune, Donald B.
Thurston, John K.
Tilger, Billy R.
Tingle, Adrian A.
Todaro, Fred M.,
Toney, Robert L.
Toole, Morton E.
Topping, Robert L.
Trammell, Arthur B.
Trayer, Edgar G.
Treadway, Loyd E.
Tree, Merle E.
Triebes, Carl J., Jr.
Triemer, William L.
Trost, Henry J., Jr.
Trout, Michael D.
Troutman, Darrell C.
Truax, Robert C.
Truly, Richard H.
Truxall, Charles W., Jr.
Tuft, Markham D.
Turczyn, Daniel W.
Turgeon, Robert E., Jr.
Turkington, William W., III
Turlay, William E.
Turner, Danny W.
Turner, John J., Jr.
Tuthill, Donald L.
Ulrich, John L.
Underhill, Samuel G.
Usalis, Jerome T.
Vaden, Stephen J.
Vaiana, James G.
Vanatta, Jerry L.
Vance, John W., III
Vancott, Cornelius J.
Van Landingham, Clyde H., Jr.
Vanorden, Douglass L.
Vansickle, Gerald E.
Vargo, Henry G.
Varnadore, James
Varshock, George A.
Vaughan, Edward B., Jr.
Vaughan, Joseph S.
Vaughn, Harold J.
Veasey, Guy D.
Veazey, Sidney E.
Veek, Eugene B.
Veenstra, Robert M.
Venable, Roebrt L.
Venezia, Howard
Venter, David G.
Venters, Leon S., Jr.
Verner, Michael J.
Verney, George M.
Vettese, Joseph J.
Viccellio, John S.
Vick, John C.
Victor, Alfred E.
Victor, James A.
Viessmann, Alex J.
Vincent, Charles D.
Vinson, John T.
Vohr, James C., Jr.
Vold, Almer C.
Voll, Mathew W.
Vosseller, Richard T.
Wachter, Gary L.
Wagner, Harry E.
Wagner, William F.
Waldner, Clarence G.
Walker, Clarence L., Jr.
Walker, Dodson D., Jr.
Walker, Muthey D., Jr.
Walker, Thaddeus O., Jr.
Walsh, David L.
Walston, Kenneth R.
Walters, Robert L.
Walton, Charles R.
Wanglie, Eugene E.
Waples, John M.
Ward, James J.
Ward, Richard R.
Warden, Kenneth J.
Wardwell, Arthur F., Jr.
Ware, Downey M.
Warmbir, Kenneth E.
Warnell, Charles E.
Warner, James S.
Warner, Lloyd
Warren, Robert L.
Wartenberg, Ernest H., Jr.
Warters, Robert L.
Wasloski, John E.
Waters, Irving A., Jr.
Waters, Ronald L.
Watkins, Robert M.
Watkins, William D.
Watson, Ian M.
Watson, John A.
Watts, Donald T.
Watts, Robert B.
Waymire, Donald M.
Weaver, Alpine D.
Weaver, Daniel C.
Weaver, Robert E.
Webster, Audrey C.
Webster, Stephen T.
Weeks, Dennis C.
Weeks, Theodore G., Jr.
Wegert, Sidney J.
Weigand, James G.
Weiland, Robert F.
Weiler, Antone M.
Wellborn, Robert M., Jr.
Welles, Bradford W.
Wells, Carl C., Jr.
Wenger, Richard O.
Wentz, James E.
Wertz, Peter D.
West, Eugene H.
West, Ralph W., Jr.
West, Ward L.
West, William W.
Westbrook, Dale A.
Westerman, William R.
Westlake, William R.
Weston, Jack L.
Wettestead, Norman C.
Weyrich, Henry, Jr.
Whalen, Rodney "N"
Whaley, Orville R., Jr.
Whaley, Thomas P.
Wheatley, Gary F.
Wheeler, George C.
Whitby, Ralph E., Jr.
White, Charles E.
White, Ervin E.
White, George W., Jr.
White, Howard G.
White, John R.
White, Ray A.
White, Richard D.
White, Robert
Whitlinger, Gregory L.
Whitmer, Benjamin F.
Whitmire, Robert L.
Whitmire, Wilson R.
Whittaker, Thomas K
Wible, William K.
Wickham, Albert G.
Wicklund, Richard J.
Wicks, Lester H., Jr.
Wiechert, Carl S.
Wiedenbauer, Fred
Wiener, Thomas F.
Wiersema, Edward K.
Wightman, Carl A.
Wilbur, Charles H.
Wilcox, Bruce A.
Wilcox, Guy I.
Wilder, Wallace G.
Wilderman, Alvin L.
Wile, Alan R., Jr.
Wiley, Robert C.
Wilkerson, Charles A.
Willett, John A., Jr.
Willey, Bruce T.
Williams, Barton B.
Williams, Dale H.
Williams, Eldon G.
Williams, Edward M.
Williams, James R.
Williams, James D.

Williams, James K., Jr.
Williams, Kenneth W.
Williams, Robert C.
Williams, Willis T.
Willis, Clyde P.
Willis, John W.
Wilmot, Jim W.
Wilson, Alger L.
Wilson, Bruce D.
Wilson, Dennis K.
Wilson, Emory H.
Wilson, Garry L.
Wilson, Richard J.
Wiltsie, Ronald J.
Wing, Rodney C.
Wingo, Robert F.
Winningham, Norman L
Winthrop, Griffith J.
Wirth, Andrew M.
Withers, John H.
Withers, William Z.
Witherspoon, Emanuel E.
Witt, Robert T., Jr.
Wold, Robert M.
Wolfe, Roderic L.
Wolfe, Ronald L.
Wolynies, Jon G.
Womack, Leonard R.
Wood, Leland E., Jr.
Wood, Phillip R.
Wood, Sidney E., Jr.
Woodley, Richard P.
Woodrow, Warren A.
Woods, Francis G.
Woods, John P.
Woody, Melvin R.
Woolman, Joseph C.
Worden, Everett F.
Worrell, Dwight I.
Wren, Gregory S.
Wrenn, Raymond W., Jr.
Wright, Arthur S.
Wright, Frederick W., III
Wright, James C.
Wright, Lee F.
Wright, Leo C.
Wright, Mack
Wright, Robert H., III
Wright, William A.
Wuorenmaa, John P.
Wurth, John G.
Wyatt, Raymond E.
Wyatt, Richard L.
Wyman, Harry N., III
Yeager, Gary W.
Yessak, Lawrence G.
Yockey, Harry M.
Yoes, Ernest C.
Young, Arthur E., Jr.
Young, Ernest T., Jr.
Young, Howard L., Jr.
Young, James M.
Young, Robert A.
Young, Robert B.
Young, Robert A.
Young, Sol
Young, Wayne G.
Zachary, William H., Jr.
Zanin, Wilbur F., Jr.
Zimdar, Robert E.
Zimmer, Emory P.
Zimmer, Gerald G.
Zimmermann, Jack G.
Zollars, Allen M., Jr.
Zon, Ernest
Zorbach, Anthony J.
Zorn, Nicholas D.
Zwart, Ronald P.

Captain, Medical Corps

Alspach, Rodger L.
Anderson, Richard R.
Arnest, Richard T., Jr.
Arthur, Ransom J.
Babalis, William J.
Barnwell, Frank M.
Barrick, Richard H.
Beckwith, Frederick D.
Bennett, Wayland
Bernstine, Richard L.
Britton, Joseph H.
Burkhart, Vernon A.
Cady, Gerald W.
Caruso, John, Jr.
Cox, John W.
DeLave, Daniel P.
Dobel, Gerald F.
Edens, Fred R.
Ewing, Channing L.
Flynn, John W.
Frev, Mable A.
Gaines, Kenneth A.
Gordon, John J.
Gossett, Clarence E.
Gregg, Paul C.
Hamilton, Warren W., Jr.
Hart, George R.
Horgan, Joseph T.
Howard, David S.
Hyams, Vincint J.
Jacoby, William J., Jr.
Jauchler, Gerald W.
Johnson, Burt C.
Jones, Warren R.
Kirk, Robert F.
Kitrinos, Nicholas P.
Kornblum, William A.
Kretzschmar, Hanns O.
Lucas, William E.
Lukash, William M.
Lynch, Mary T.
Maughon, James S.
McDonough, Robert C.
McGinley, Joseph M.
Miller, Charles H.
Mitchell, George D.
Mitchell, Russell H.
Murray, Dermot A.
Myers, Willis S.
Ninow, Earl H.
Nuredini, Skender
O'Connell, Patrick F.
Paslay, Jefferson W.
Peace, Dewey W., Jr.
Richter, Tor
Sharp, James V.
Simpkins, Carl N., Jr.
Sode, Jonas
Spaulding, Raymond C., Jr.
Tabor, Richard H.
Trabaudo, Lawrence E.
Trostle, Henry S.
Turner, James E., Jr.
Turner, Thomas W.
Ulshafer, Thomas R.
Valdivieso, Jorge R.
Wilson, Almon C.
Wilson, David Q.
Winter, William R.
Wire, George E., Jr.

Commander, Medical Corps

Aaron, Benjamin L.
Austin, Frederick L., Jr.
Bailey, David W.
Baird, Robert M.
Baker, William P.
Barchet, Stephen
Bason, William M.
Baxter, John C.
Beach, Thomas B.
Beasley, Walter E., III
Becker, Matthew K.
Beckman, William R.
Beeby, James L.
Bemiller, Carl R.
Billingsley, Frank S.
Biron, Pierre E.
Bishop, Robert P.
Blais, Bernard R.
Bloom, Joseph D.
Brackett, John W., Jr.
Braswell, Harold M., Jr.
Burr, John B.
Cameron, Ronald R.
Carr, John E.
Carson, William E., Jr.
Cassidy, Walter J., Jr.
Chappelka, Alfred R., Jr.
Coil, Edmonston F.
Colangelo, Eugene J.
Collier, James C. P., Jr.
Comer, Ralph D.
Conkey, George A.
Cowen, Malcolm L.
Cox, Jay S.
Cremona, Frederick J.
Cunningham, John E., Jr.
Damato, Nicholas A.
Davis, John W.
Deaner, Richard M.
Defiebre, Bruce K., Jr.
DeFries, Hugh O.
Dolan, Michael F.
Elliott, Robert C.
Ernst, Donald W.
Evans, Fred S.
Farin, Walter E.
Flynn, Peter A.
Fouty, William J.
Frazier, Wayne E.
Freeman, Edward E.
Fresh, James W.
Gallent, James H.
Gilson, Benjamin J.
Goller, Vernon L.
Gragg, Donald M.
Harmon, Stanley D.
Hauler, Donald R.
Hauser, Roger G.
Hebert, James E.
Hodge, Warren W.
Hoeffler, Dennis F.
Hoke, Bob
Holmboe, Arthur H.
Hudgens, William R.
Inman, Charles E.
James, Stephen H.
Johnson, Bernett L., Jr.
Jones, Clyde W.
Kelley, Donald L.
Kendra, Stephen J.
Kent, Tommy S.
Kerwin, Joseph P.
Knapp, Robert W.
Kostinas, John E.
Lang, Jesse E.
Langevin, Jack A.
Lansinger, Donald T.
Lawton, George M.
Leonard, John H.
Levy, Jerome
Loew, Albert G., Jr.
MacDonald, Rodney I.
Majure, Oscar L., Jr.
Mammen, Robert E.
Martin, George F., Jr.
Mathews, George W., Jr.
McGowan, Edward M., Jr.
McHale, James J., Jr.
McClear, William Z., III
Meehan, William L.
Merchant, Raymond J., Jr.
Meredith, Robert C.
Metz, George E.
Miewald, John R.
Miner, Walter F.
Moll, Francis K., Jr.
Moquin, Ross B.
Morgan, Jacob R.
Mukomela, Arthur E.
Mullins, Wallace R.
Myers, Joseph S.
Myers, Robert C.
Neel, Samuel N.
Norton, Richard H.
O'Brien, Robert M.
Ochs, Charles W.
O'Halloran, Patrick S.
Oldershaw, John B.
O'Neal, David M.
Palumbo, Ralph R.
Payne, Charles F., Jr.
Pohle, George A.
Poley, Richard W.
Powers, Samuel A.
Pulicicchio, Louis U.
Rack, Robert V.
Randall, Glenn H.
Reckenthaler, Karl J.
Rish, Berkley L.
Rivera, Julio C.
Robl, Robert J.
Rohren, Donald W.
Russotto, Joseph A.
Sacks, Ellsworth J., Jr.
Sargent, Charles R.
Schmetz, Frank J., Jr.
Scott, Charles M.
Shepard, Barclay M.
Smith, Joe P., Jr.
Smith, Jose C. S.
Steffenson, John L.
Steyn, Rolf W.
Storz, William J., Jr.
Strange, Robert E.
Swartz, Philip K., Jr.
Takaki, Norman K.
Theros, Elias P. G.
Thompson, Robert E.
Tilock, Fred H.
Tobey, Raymond E.
Tolchin, Sidney
Van Peenen, Peter F. D.
Walker, Robert E.
Walter, Eugene P.
Weir, Gordon J., Jr.
Willcutts, Harrison D.
Wilson, Wayne R., Jr.
Wolfe, Franklin M.
York, Lowell T.

Lieutenant Commander, Medical Corps

Adams, Curtis D.
Altaker, Lawrence L.
Amalong, Ronald J.
Ambur, Richard F.
Anderson, Robert L.
Ashworth, Halbert E.
Baker, Fred L.
Baksic, Russell W.
Basiliere, James L.
Batcheller, John W.
Beidler, Jon G.
Bendixen, Romaine L.
Billings, William E., Jr.
Bishop, Hal D.
Blackburn, Frank C.
Blanchard, Peter B.
Blanton, Terrell D.
Boensch, Frank N., Jr.
Bohan, Lawrence D.
Bohan, Michael E.
Boyd, Dale W.
Bradley, Mark E.
Braun, William E.
Broussard, Nicholas D.
Brown, Charles S.
Buell, Howard A.
Byrd, Thomas R.
Campbell, Axel F.
Campbell, Walker H.
Candela, Harry J.
Cantow, Edward F.
Carmick, Edward S., Jr.
Carr, Raymond E.
Cattano, Andrew N.
Caudill, Robert P., Jr.
Cave, Robert H.
Charneco, Dale R.
Closson, Jon B.
Clymer, John F.
Collins, Frank B.
Condrin, William R.
Cook, John P.
Corcoran, Francis H.
Cordray, Douglas R.
Corley, Thomas E.
Cotten, Charles L.
Crafts, Robert, Jr.
Crary, Paul D., Jr.
Crawford, William R.
Crittenden, Frank M., Jr.
Crosson, Robert C.
Crow, Judson L.
Crum, Paul M.
Davies, Raymond O., Jr.
Davis, James E.
Day, Daniel H.
Deane, Frederick R. M.
Decker, John S.
Deignan, William E.
Dooley, John R.
Downing, John E.
Drake, Anthony M.
Duhamel, Robert R.
Ehrlich, Frank E.
Ervin, James F., II
Eyre, Warren G.
Eytel, Charles S.
Farmer, Raymond M.
Farrier, Paul H., Jr.
Flagler, Nicholas R.
Fogg, Charles D.
Fong, Don L.
Foote, William W.
Fornes, Michael F.
Frensilli, Frederick J.
Fulwyler, Robert L.
Gaskins, Ronald D.
Gaudry, Charles L., Jr.
Gay, Robert M.
Gibbons, James A.
Gibbs, Robert L.
Gilbert, Edward C.
Goscienski, Philip J.
Gregonis, Joseph G.
Griffin, George E., III
Grossman, Marvin
Grumbling, Hudson V., Jr.
Hall, James N.
Hand, John J.
Harrington, Randall L.
Harris, Michael A.
Hayden, Donald J.
Heath, Victor C.
Henrie, Edwin J.
Hoback, Daniel P.
Hoertz, John H., Jr.
Holmstrom, Robert D.
Honigman, Joseph
Hood, Richard N.
Howell, James W.
Hudson, Royal C., Jr.
Huff, Arden L.
Hussey, Michael B.
Hutchinson, Manley E., Jr.
Huurman, Walter W., Jr.
Iglecia-Fernandez, Raymond
Izuno, Gene T.
Jackson, Neil D.
Jamarik, George T., Jr.
Jeffrey, Clyde G., Jr.
Jewusiak, Edward M.
Johnson, Walter T.
Johnson, William C., Jr.
Johnson, William W.
Johnsonbaugh, Roger E.
Jones, Edward M.
Jones, George R.
Jones, Lawrence A.
Karney, Walter W.
Kesselman, Alexander L.
Kessler, Carl P.
Knight, Jimmie H.
Kravetz, Neil D.
Langston, Randall A.
Larsen, Reynold T.
Lee, Frederick M.
Lewis, David H.
Lloyd, Morgan P.
Looney, George R.
Lucas, John T.
Majors, Robert P., Jr.
Maraist, Donald J.
Marcel, Jesse A., Jr.
Marlor, Russell L.
Marriott, John D.
Martin, Russell D.
Martin, William A.
Masar, Maurice F. P.
Matan, Joseph A.
Mathews, Carter W.
Mattern, Allan L.
Mauk, Sid "F", III
Maxwell, George D.
Mayes, Kenneth L.
McCreedy, James E.
McDonald, Kenneth M.
McDonough, Edward R.
McGeoy, Thomas J., Jr.
McGlamory, James C.
McGrail, John F.
Meighan, Jacob W.
Melton, Russell W.
Meyer, Russell
Miller, Jay H., Jr.
Mixon, William A.
Mollerus, Robert J.
Morales, Raul A.
Moyes, James R.
Mueller, Maurice J., Jr.
Mullen, James E.
Murphy, Michael O.
Musser, John R., Jr.
Nail, Richard L.
Negron, George L.
Nelms, Robert J., Jr.
Nuss, Robert C.
Olsen, James A.
Page, Crockett H.
Patlovitch, Joseph
Perkins, Richard E.
Perlin, Elliott
Peters, Norman E.
Preuss, Donald G.
Reid, James W., Jr.
Robbins, Thomas O.
Roberts, James G.
Roeder, Donald K.
Rogers, Albert K.
Ruggiero, Joseph A.
Russo, John F.
Sandri, Sandro R.
Schaeffer, Berton T.
Schenk, Thomas M.
Schmidt, Harold W., II
Schmidt, Rainer S.
Schroeder, Charles F.
Schwartz, Bradford B.
Scott, Cornelius C., III
Sears, Henry J. T.
Secrist, Wilbur L.

Shapiro, Richard
Slate, Robert W.
Smith, Lee E.
Snyder, James L.
Sokolowski, Joseph W Jr.
Sponaugle, Harlan D.
Stone, George M., II
Stone, Robert S.
Stoop, David R.
Strom, Clarence G.
Stucker, Fred J.
Swan, Robert J.
Swanger, Ronald F.
Tate, Harry R.
Taylor, Britton E.
Tenney, Richard L.
Thomas, Jackson W.
Thompson, Bruce A.
Thompson, Robert L.
Tompkins, Albert E.
Turaids, Talvaris
Vacanti, Charles J., Jr.
VanBuren, William E.
Wallin, John D.
Wasson, Robert D.
Watson, John T.
Westervelt, Harold A.
Williams, John E.
Wilson, Cecil B.
Winans, Robert G.
Worsham, Jerry C.
Young, Stanley B.
Young, William D.
Zelles, Gary W.

Captain, Supply Corps

Ahern, James R.
Allshouse, Thomas J.
Bandish, Bernard J.
Banghart, Robert J.
Barnett, William H., Jr.
Beale, John W.
Borchers, Alyn L.
Byrd, James L.
Calhoun, Thomas N.
Canalejo, Armando, Jr.
Cheshure, Joseph H.
Chetlin, Norman D.
Child, Arthur L., III
Colbert, Bryan R.
Condon, Thomas P.
Cosby, Francis B.
Crouch, Perry B.
Davis, Albert S.
Dellinger, Charley P.
Donnelly, Joseph A.
Edsall, Arthur R., Jr.
Evans, Stuart J.
Flock, Jens B., Jr.
Fowler, George O., Jr.
Gaetz, Edward F., Jr.
Gallagher, Granville W., Jr.
Gallup, Mearl
Gifford, Robert L.
Graziadei, John D.
Grechanik, Walter
Growden, Ellwood W.
Hagedorn, Lawrence D.
Hamill, William T., Jr.
Harris, Melvin W.
Hatch, Bobby L.
Hatch, James C.
Hatfield, John H.
Heasley, Gail L.
Hein, Joseph J., Jr.
Hereford, James D., Jr.
Heurich, Robert G.
Holfield, Arthur W., Jr.
Honsinger, Jack E.
Hopkins, Leroy E.
Hutchison, Marvin S.
Jankovsky, Norlin A.
Johnson, Richard D.
Johnson, Warren B.
Johnson, William H.
Kamps, John H.
Kash, William B.
Keenan, Joseph I.
Keller, Bruce W.
Kennedy, Patrick F.
Knight, Reed H.
Knipple, John D.
Kuhlman, Norman H. C.
Lake, Donald H.
LaPlante, Robert W.
Lindsey, Bob R.
Longmire, Billy R.
Martin, Donald V.
Maurstad, Alfred S.
McCabe, John N.
McGovern, Austin F.
McKeen, Edward N.
McKenna, James E.
Morgan, James P., Jr.
Naismith, James A.
Nash, William T.
O'Connor, Thomas J.
Olin, William C.
Oliver, James C., Jr.
Oller, William M.
Ortland, Warren H.
Packard, Harrison G.
Park, Jack M.
Pawlowski, Thomas J., Jr.
Pflueger, Paul J.
Phelps, Gordon W., Jr.
Pluto, Raymond J.
Polk, Donald E.
Polk, Robert B.
Potts, Stanley W.
Prehn, John L., Jr.
Prestwich, John P.
Primm, Jules R.
Rainey, Richard L.
Rendelson, Paul L.
Riley, George D., Jr.
Robison, John T.
Ryder, John K.
Ryon, George G.
Schultz, Jackson L.
Shepard, John C.
Smith, Carlton B.
Spalding, Joseph E.
Stephens, Samuel S.
Stratton, Ogden K.
Sundberg, Daniel G.
Sylvester, Nelson J., Jr.
Thompson, Edwin H.
Thompson, Robert W.
Van Osdol, Robert C.
Van Tol, Peter H. B., Jr.
Vogel, Robert E.
Waller, Thomas C., Jr.
Weihrich, Walter F.
Welch, Gordon E.
Whelan, David W.
Wilson, Dorsey V.
Xefteris, Zefter C.
Ziegler, Bryan W.

Commander, Supply Corps

Adair, Joseph P.
Alderman, Charles B.
Allinder, Joe A., Jr.
Almen, Richard E.
Anderson, Richard A.
Anglim, Matthew E., Jr.
Arnold, Harry H.
Awalt, Richard E.
Ayling, Charles W.
Badger, George R.
Bates, Robert L.
Bechtelheimer, Robert R.
Bennett, Richard B.
Bledsoe, William M.
Bodart, Cletus W.
Breit, James A.
Brewin, Robert L.
Briggs, Irving G.
Brooks, John E.
Brown, Russell M.
Bruyneel, Louis K.
Byers, Austin L.
Canon, Roscoe H., Jr.
Carpenter, Charles F., Sr.
Carpenter, Arthur J.
Casselberry, Lynn W., Jr.
Causey, Bruce M., Jr.
Caverly, Michael K.
Chapman, Charles B., III
Christenson, Richard D.
Christopher, Robert N.
Clark, Shelby V. T.
Coleman, Ernest B.
Conner, Walter E.
Cook, Gerald W.
Corn, James R.
Cornelius, Jack M.
Cronk, Philip W.
Curtis, Richard E.
Davidson, William I.
Davis, Raymond P.
Dempster, Darrell D.
Derby, Francis A.
Desroches, Sylvio J., Jr.
De Winter, Richard E.
Ditto, Chester L.
Dollard, Paul A.
Donzell, Richard J.
Earl, Robert "J"
Eastwood, William O., Jr.
Ebert, Scott W.
Epstein, Edwin S., III
Farrell, James G.
Fekula, Theodore V.
Ferraro, Niel P.
Fiske, Leon S., Jr.
Flolio, Robert E.
Flood, Peter A.
Flores, Joseph L.
Freese, Ralph F.
French, Robert C.
Fuka, Otto J., Jr.
Gaddis, Glenn L.
Gallagher, Robert F.
Gapp, John J.
Garabedian, Edward J.
Giagni, Vincent J.
Gilmore, Roger W.
Gilpen, Franklin M.
Girod, Roy O.
Goodwin, Earl E.
Gore, Austin F., Jr.
Graessle, Philip G.
Gray, Jack E.
Griffiths, Donald J.
Gunther, Roy W.
Harkin, James W.
Harrigan, Thomas F., Jr.
Hawkins, Charles A.
Hendrickson, Richard
Hennessy, William J.
Henry, Gerald R.
Henseler, Richard C.
Hochmuth, Alvin E., Jr.
Hohenstein, Charles R.
Hopgood, Roy E.
Horrigan, John W., Jr.
Howe, Donald K., Jr.
Hubbard, Charles C.
Jesser, Arthur D.
Johnson, James R.
Johnson, Millard J.
Jones, Ronald A.
Kela, Frederick H.
Kenealy, William E., Jr.
Kispert, Lane A.
Knox, Arthur, F., Jr.
Kollios, Achilleas E.
Kreutzinger, Donald R.
Krukin, Lawrence E.
Kuhlmann, Dietrich H.
Lanphere, Robert J.
Larson, Nelson S.
Lashley, Ralph E., Jr.
Lazarus, Steven
LeBlanc, George J., Jr.
LeBlanc, Merrill M.
Lemly, William D.
Lemma, Paul A.
Lenz, Allen J.
Lindsay, William E.
Long, Charles W.
Lovell, Donald E.
Lovell, "W" "B"
Lyons, John J.
Maxwell, Kenneth R.
McCandless, Claude C., Jr.
McDaniel, Roderick D.
McGee, James E.
McGillivary, Duncan P.
McNeill, Neil E.
McSwain, Billy G.
Mercier, Arthur G.
Moore, Guy T.
Moore, William J.
Morehouse, Charles W.
Moyer, William R.
Mullen, James V.
Nelson, Alfred B.
Nolan, Frank R.
Normand, Robert L.
O'Connor, Robert W.
O'Donnell, Terrence F.
Olson, Harvey T.
O'Neil, Raymond L.
Ostrom, Lester E.
Ott, Matthew J.
Palmer, Donald R.
Parent, Elias A., Jr.
Pavlisin, Frank
Peek, Luther W.
Perry, Robert P.
Peterson, Kenneth A.
Petrie, Roland A.
Pomponio, Bruno A.
Pottinger, Ian G.
Powell, William M.
Prutzman, William L.
Rady, William J., Jr.
Ranken, John T., Jr.
Rech, Henry J.
Recher, Bernard L.
Ribble, Marland S.
Rice, Richard M.
Richards, Walter T.
Riordan, William H.
Rolfe, James A.
Ross, Howard "T", Jr.
Ross, Orrin B.
Ross, William T., Jr.
Roth, Richard J.
Rothenberger, Donald
Ruth, Stephen R.
Salgado, Paul R.
Sansone, Joseph S., Jr.
Savage, William H., Jr.
Schanz, Thomas L.
Sellers, Robert D.
Shipley, Maynard K.
Shultz, William E.
Smith, Jay R., Jr.
Snyder, Earl L.
Springer, Donald F.
Steeg, Elvin H.
Sterner, Norman G.
Stewart, George W., III
Strange, Geoffrey G.
Strange, Hubert E., Jr.
Stumbaugh, David C.
Taylor, Bayard A., Jr.
Taylor, John B.
Temte, Knute P.
Tillery, Preston J.
Tilton, Robert L.
Topping, James F.
Trimble, Philip
Van Walkenburg, Max W.
Velotas, Bill M.
Vogel, Ralph H.
Wagner, John E.
Waid, Stanley B.
Walker, Edward K., Jr.
Walker, Elbridge, III
Warneke, Grover C.
Weber, Robert J.
Weisend, John G.
White, Frank L.
White, Jack A.
Williams, Rex M.
Williams, Raymond L.
Williams, Walter L.
Wilson, Donald E.
Wong, Ronald M.
Woods, Lee, Jr.
Young, Charles W.
Young, Robert H.
Zeberlein, George, Jr.

Lieutenant Commander, Supply Corps

Abele, Robert B.
Adams, Paul K.
Aldenderfer, William D.
Allen, Raymond B.
Allen, Johnny L.
Allen, Robert A., Jr.
Andersen, Thomas C.
Anglim, David L.
Arnold, James L.
Asche, Richard E.
Austin, Walter I.
Avery, Bruce F.
Aviles-Alfaro, Bolivar, Jr.
Avis, Bruce W.
Awada, James G.
Bacher, Gerald J.
Baker, James H.
Balding, Clarence H.
Barstad, Clarence H.
Basley, Raymond C.
Basse, Warner P.
Bayles, Ronald S.
Bell, Ronald M.
Bender, James L.
Berg, Robert K.
Beyer, Robert K.
Bian, John W.
Bilodeau, James H.
Biver, David A.
Blackburn, Richard C., Jr.
Blackwell, Lind B.
Blazina, Joseph B.
Bloom, Jardine C.
Boesch, Frederick E., Jr.
Boese, Fred M.
Bonbright, John M., Jr.
Boorman, William R.
Boylan, Charles T.
Brassington, Abram A
Briggs, John M.
Brown, George C.
Brown, James W.
Buell, Robert M.
Bush, William J.
Caro, James M.
Carter, Eugene T.
Carver, Roy E.
Cash, John J.
Cejka, Joseph L.
Champion, Andrew A.
Charette, Paul E.
Chase, Thane "B"
Christen, Jimmy E.
Clarkson, James S.
Clemente, Vincent F.
Cobb, James L.
Cole, Brady M.
Cole, Peter S.
Collins, Charles J.
Cone, Paul J.
Connolly, Robert I.
Conquest, Donald D.
Coogan, Timothy P.
Coon, Paul D.
Cooper, Jackie R.
Corrigan, John J., Jr.
Costa, Richard D.
Craft, Thomas G.
Croeber, Hans R.
Crooks, Robert E., Jr.
Crosby, Alexander C.
Crouch, Donald G.
Crouch, Robert L.
Culpepper, Glenn C.
Cunningham, John J., Jr.
Custis, John P.
Daniels, Robert D.
Dardis, Ernest C.
Davis, Arthur R.
Davis, John R.
Dean, Robert W.
Del Duca, Ronald M.
Dellis, Donald O.
Demayo, Peter
Denny, James L.
Deruggiero, Saverio A.
Deshaney, Donald J.
Divelbiss, Carl D.
Doane, Charles B.
Dolan, Henry J.
Drake, Claude H.
Drury, William R.
Dumke, David R.
Dyches, James W.
Ebey, John R.
Edmondson, Aaron D.
Ekholm, Harry H., Jr.
Erickson, James L.
Evans, Steven H.
Eye, Charles C.
Farley, Robert H., III
Fedora, John
Felt, John D.
Fischer, Gregory F.
Fish, Dennis J.
Flanagan, Patrick F.
Fogle, William H., Jr.
Fraher, Jeremiah
Frizzell, Frank L., Jr.
Furiga, Richard D.
Gage, Robert B.
Garner, Fred S.
Gavin, Victor M.
Giles, Robert B.
Gillingham, Roger D.
Gleason, Bernard L.
Godsey, Shirley T.
Goodman, Jack R.
Goss, Roland A.
Gray, Kenneth W.
Gray, Lloyd C.
Gregory, Kenneth R.
Grogan, Arthur R.
Grosse, Robert G.
Haj, Richard
Hale, Joe M.
Hanna, Robert M.
Hanson, Allan H.
Hardin, Edward L.
Hardy, Allen
Harlow, Charles E.
Harnad, Paul K.
Harris, Neal L.
Hartlieb, Daniel G.
Hatchett, John W.
Hauenstein, William H.
Haver, David J.
Hazlett, Harry L.

Henion, Alan M.
Hessler, Blair
Hickey, Daniel F., Jr.
Hickman, William B., Jr.
Hicks, Chesley M., Jr.
Hinds, Douglas J.
Hinz, Dan H.
Hogan, Richard C.
Hoopes, Ronald G.
Huffman, Haldon J.
Huth, Carl F., Jr.
Itzkowitz, Harold B.
Iverson, Ronald I.
Jackson, Leon A.
Jaecques, Raymond C.
Jahn, Donald R.
Jarrett, William A.
Jensen, Nels P.
Johnson, Donald J.
Johnson, Edward M., Jr.
Johnson, Omer L.
Johnson, Rodwell C.
Jones, Everett L., III
Jones, Jack L.
Jones, Kenneth W.
Jones, Leland B.
Jones, Ramon W.
Jones, William G.
Jubinski, Stephen
Julian, Gerald P.
Kachigian, George N.
Kaley, Don R.
Kaplan, Sumner H.
Keiser, James A.
Keith, Bobby P.
Kenin, David
Klein, Carl C.
Knight, James W., Jr.
Koncar, William R.
Konopik, Joseph F., Jr.
Krakower, Matthew A.
Krapels, Cornelius A.
Kruse, Marlin L.
Kwolek, John R.
Lane, Dean S.
Lee, Gerald L.
Leeson, Donald D.
Lemmo, Joseph G.
Lindberg, Arthur E.
Liter, Theodore G.
Lombard, Graydon F.
Lord, Charles W.
Lucas, Duane B.
Lyman, Lawrence G.
Lynan, Edward J.
Lynch, Ronald P.
Lytle, James A.
Marbain, Max D.
Marian, John B., II
Marshall, Solomon W., Jr.
Masters, Edward R.
Maxwell, John R.
McAdams, William M.
McAllister, Dudley S., Jr.
McCarthy, Donald L.
McCauley, Joseph M.
McCloskey, Michael A., Jr.
McClure, Mason B.
McGee, William A.
McKelvey, Paul N.
McNall, Phillip F.
McNary, William F.
McWhorter, Fred O.
Mezzio, George H.
Miller, Harold E.
Miller, Winston B.
Milliken, Gail L.
Montgomery, Samuel S.
Moon, Carl R.
Moore, Richard C.
Mouton, Earl F.
Mummert, Dale R.
Murphy, Ronald D.
Murray, Melville C.
Nace, Richard H.
Nace, Wilbert J.
Nagele, Eugene E.
Napier, William L.
Natelson, Lawrence S.
Nettles, Lawrence J.
Newton, James E.
Nix, Harvey W., Jr.
Nolan, John E.
Novak, Karl J.
Nuss, Gary B.
Nygaard, Richard B.
Oberhofer, Andrew O., Jr.
Olson, Engwall A., III
Omarah, James L.
Orr, Thomas E.
Ostergard, Donald L.
Ott, Thomas S.
Overfelt, Arthur E.
Overman, Douglas R.
Owens, James C.
Pacofsky, Bartholomew
Parker, Charles E.
Parsons, Frank W.
Patterson, James F.
Patterson, Jerry G.
Phillips, Robert A.
Pierce, Gordon E., Jr.
Pierce, Leon L.
Pinnel, Joseph K.
Popik, Charles T.
Powell, Hal B.
Powers, Richard F.
Rader, Lynden L.
Randall, Harold N., Jr.
Rankin, Ronald W.
Reed, David A.
Reed, John D.
Reeder, Vanlear L.
Regan, Francis J.
Reilly, Joseph V., Jr.
Renner, Richard B.
Risinger, Robert E.
Robie, Ralph L., Jr.
Robinson, Robert L.
Rogers, William J., Jr.
Rook, Eugene C., Jr.
Rosenblum, James E.
Rumpf, Robert L.
Russell, Joseph F., III
Salmon, Robert C.
Schrank, Joseph P.
Schulte, Conrad P.
Schwarz, Peter J.
Shaughnessy, David B.
Shaw, Jerry W.
Sheehan, John E., Jr.
Sherman, Byron G.
Sherwood, William C.
Shirley, Kenneth R.
Shoemaker, Leroy E.
Shroeder, John, Jr.
Sievers, Louis A., Jr.
Sims, Thomas M., Jr.
Skelly, James F., Jr.
Sleeth, Sterlen S., Jr.
Smellon, Edwin N.
Snow, Richard C.
Sodrel, Donald L.
Sommer, Melvin R.
Sorg, Marvin L.
Spearman, Wayne C.
Spence, George G., Jr.
Spillane, James J.
Squibb, Rodney K.
Stauffer, John L.
Stehly, Frederick R.
St. Martin, Robert W.
Stutts, Jack H.
Sveen, Gerald E.
Swartz, Alex E.
Tatten, Richard J.
Taylor, John T.
Tempest, Edward H.
Tilley, Philip L.
Troia, Peter J., Jr.
Twaddle, David L.
Tyree, David M., Jr.
Underhill, Edward B.
Upton, Thomas H., Jr.
Vann, Louis E.
Vanni, Ralph J.
VanPatten, Edward R.
Verplaetse, Ronald A.
Vevoda, George L.
Vincent, Howard A.
Vonachen, Donal D.
Walker, Paul D.
Walther, Harrison N.
Wardrup, Leo C., Jr.
Wareham, Harry B.
Warren, Raymond
Weaver, Johnnie R.
Webb, Robert D.
Webber, Randall E.
Webster, Harry G.
Weissinger, Thomas R
Weller, Thomas C., Jr
Welzbacker, Peter J.
Werbel, Samuel G.
West, Jay F.
Wheeler, Hugh H.
Wheeler, "J" "C", Jr.
Whittaker, James B.
Whitty, Neldon V.
Wilber, James R.
Willingham, David G.
Willis, Gerald W.
Winn, Frank N.
Wolcott, John N.
Wolff, Norman D.
Wood, Allen
Wright, Robert E.
Wrobel, Eugene A.
Wyatt, John M.
Zanetti, Allen G.

Captain, Chaplain Corps

Agnew, James F.
Anderson, Robert E.
Barlik, Robert F.
Darkowski, Leon S.
Detrick, Wayne N.
Dominy, Arthur L.
Duncan, Henry C.
Hammerl, Paul C.
Hardman, Samuel R.
Hopkins, Ralph W.
Killeen, James J.
Kirkbride, Donald L.
Lineberger, Ernest R.
Long, Bradford W.
Martin, George L.
McDonnell, James T.
Michael, Don M.
Paulson, George I.
Power, Joseph G.
Rademacher, Glen A.
Richter, Thomas J.
Roberts, Stacy L., Jr.
Schutz, Adam J., Jr.
Sullivan, Mark
Wheeler, George H.

Commander, Chaplain Corps

Andress, Gene B.
Begg, Wendell R.
Bond, Hollis H.
Boreczky, John V.
Brudzynski, Peter F.
Chambliss, Carroll R.
Clardy, William J.
Cortney, Kevin J.
Dodge, John K.
Dodson, Leonard W., Jr.
Edwards, John R., Jr.
Elder, Robert M.
Eller, Max A.
Fedje, Earl W.
Fitzgerald, Owen R.
Gallagher, Bartholomew T.
Gillis, Edward F.
Greenwood, Charles L.
Grunder, Bey G.
Hilferty, Thomas J.
Howard, Marvin W.
Jones, Stephen N.
Keeley, Patrick P.
Kelley, Thomas W.
Kemp, Charles D.
Kinlaw, Dennis C.
Laboon, John F., Jr.
Lemasters, Clarence E.
Lemieux, Ernest S.
McAlister, Fred R., Jr.
Merritt, Milton E.
Meschke, David L.
Miller, Stanley D.
Newman, William W.
Newton, John G.
Norton, Lawrence E.
Oakley, Donald C.
O'Connor, William B.
O'Gorman, Charles F.
Ota, Peter I.
Phillips, Harold E.
Plank, David P. W.
Propst, Roy A., Jr.
Reid, James D.
Riggs, Adna W.
Schneider, Otto
Schwartz, Walter "J"
Seegers, Leonard O.
Seim, James E.
Shipman, "J" "T"
Slejzer, Ferdinand E.
Snyder, Marvin E., Jr.
Stanhope, Norman J.
Stevenson, Neil M.
Sweeney, Patrick F., Jr.
Tipton, Richard M.
Urbano, Francis J.
Van Beck, Alfred F.
Vanlaningham, Maurice R., Jr.
Vest, William T.
Volz, Anthony C.
Walsh, Ronald J.
Warren, Robert H.
Webb, Charles E.
Wetzel, Oliver H.
Zemites, Joseph F.

Lieutenant Commander, Chaplain Corps

Abel, Kenneth B.
Ahern, Bernard J.
Ahrnsbrak, Leonard L.
Allred, Lewis E.
Antos, Paul J.
Baez, Samuel
Barcus, Richard E.
Beach, Stanley J.
Betters, Ralph C.
Black, Roy W.
Borden, Robert S.
Bott, George F.
Boyer, Richard A.
Boyette, Earl L.
Brandt, Stephen L.
Brennan, Joseph F.
Brock, David F.
Bruner, William D.
Burch, Maxie B.
Camp, Charles A.
Chamberlin, Marvin L.
Childers, William L.
Cook, Gordon S.
Cunningham, Robert R.
Doffin, James E., Jr.
Dorsey, Jack E.
Durkin, Paul J.
Essinger, Jesse W.
Everts, Paul J.
Eyler, Marvin L.
Ferguson, Edmond B.
Fink, Rufus B.
Finn, Daniel E.
Frates, Joseph H.
Gallagher, Edward L., Jr.
Garver, Frank E.
Gibson, William M.
Glynn, John J.
Goetz, Herbert M., Jr.
Graham, Jack D.
Hamilton, Edward A.
Hanawalt, Edward A.
Harper, Rhodes W.
Harris, James F.
Hathaway, Dudley C.
Hawley, Quinn L.
Healer, Carl T.
Heim, Robert P.
Henry, Myron B.
Hiskett, Walter A.
Hughes, Edward L.
Hunsicker, David S.
Johnson, Edward D.
Jordan, Richard E.
Lefils, Leslie M.
Leonard, Merrill C.
Lesher, John Q.
Lewis, Herbert T.
Lilly, Harvey L., Jr.
Love, Frederick W.
Luffman, Elden H.
Maccullagh, Richard E.
Magor, Warren F.
Marshall, Claude B.
McCalmant, James A.
McCarthy, Ronald W.
McCue, Richard T.
McDonnell, Francis W.
McElroy, John W.
Moran, Eddy B.
Mowry, John J.
Muenzler, Leroy E., Jr.
Myatt, Bobby W.
Olson, Donald I.
Olson, William G.
Page, Dewey V.
Parker, Alton M., Jr.
Parsons, William E., Jr.
Pearson, Paul W.
Pepera, Alfred S.
Pepper, Arthur B.
Pfannenstiel, James D.
Plishker, Richard A.
Reiff, Gerald N.
Rice, Ben "A"
Rushing, Leslie W.
Schade, Sigmund C.
Scheer, Rodney R.
Schuster, David P.
Seeland, Arthur D.
Seibert, John F., II
Sidebotham, Thomas E.
Smith, Hugh D.
Smith, William A.
Spencer, Carroll R.
Stewart, Wayne A.
Swierenga, Raymond C.
Takesian, Eli
Thacker, Donald L.
Thomson, Glenn W.
Threadgill, Cecil R.
Toland, Paul L.
Trent, Robert E.
Uhles, Paul F.
Vogel, Leroy E.
Waite, Patrick J.
Weaver, John F.
Windle, David L.
Winslow, William J., Jr.
Witt, George R.
Witting, Martin J.
Wood, Roy C.

Captain, Civil Engineer Corps

Andrews, James D.
Bafus, Raymond A.
Barron, William W.
Butterfield, Ossian R.
Cavendish, Lynn M.
Daggett, Robert E.
Dunnells, Robert E.
Goetzke, George A., Jr.
Hardy, Richard T.
Heid, Charles C., Jr.
Jasper, Paul R.
Jortberg, Robert F.
Locke, Harry A.
Marsh, Edward H., II
McManus, Edward A.
Perkins, Anson C.
Pickett, Eugene L.
Reed, William F., Jr.
Rumble, James D.
Russell, William F., Jr.
Schley, Gordon W.
Sears, Kenneth P.
Shockey, Daniel N.
Simonson, Nelson C.
Stacey, Ernest R.
Timberlake, Lewis G.
Washburn, Jack E.
Williams, Richard C.
Williams, Thomas C.

Lieutenant Commander, Civil Engineer Corps

Allen, Roy T
Andersen, Charles P.
Anderson, Warren H.
Auerbach, Ralph W., Jr.
Barber, Horace M.
Belton, Edward H.
Berdan, Maurice R.
Billet, Donald F.
Bowers, RichardA.
Brooks, Kenneth D.
Brown, George H.
Burger, Henry K.
Burns, William J., Jr.
Carioti, Bruno M.
Cottingham, Edward L.
Crockett, Billy G.
Crowley, Irwin D., Jr.
Daniel, William F., Jr.
Davis, Walter E., Jr.
D'Emidio, Joseph A.
Eager, Walter J., Jr.
Ecklund, Glenn L.
Edson, Theodore M.
Erickson, James A.
Falk, Harvey A., Jr.
Gans, George M., Jr.
Gates, Charles W.
Gaulden, Roy D., Jr.
George, Roscoe D., Jr.
Hanlon, Mark Z., Jr.
Hartell, William K.
Haynes, Howard H.
Hines, John C.
Hughes, Edmund C.
Johnson, Durrell A.
Jones, John P., Jr.
Jones, Thomas K.
Lake, George
Lapolla, Joseph
Lawson, Leroy D.
Lewis, Frank H., Jr.
Mangan, Thomas J., Jr.
Mathews, Charles J.
Merica, Charles A.
Mitchell, Thomas J.
Moger, Jack B.
Morton, Donald A.
Nystedt, Russell P.
O'Brien, Thomas J.
O'Leary, John F.
Oscarson, Edward R.
Paulsen, Raymond E.
Petzrick, Paul A.
Pinch, William C.
Pitman, James B., Jr.

Plante, George E.
Reese, Joseph L., Jr.
Reeves, Ronald B.
Robinson, Charles F.
Seites, John H.
Sherrod, Henry C., Jr.
Smith, George L.
Socha, Albert R., Jr.
Stedman, Ralph S., Jr.
Stewart, Stanley P., Jr
Stultz, Bobby E.
Sweeney, John C.
Sylva, John P.
Toliver, Jack M.
Tombarge, John W.
Trunz, Joseph P., Jr.
Tyhurst, James E.
Uhe, James L.
Urish, Daniel W.
VanBelkum, Kenneth D.
Verdi, Stanley N.
Wear, John R.
White, Robert K.
Wile, Dorwin B.
Williams, Jesse R.
Wilson, Dean G.
Witkowski, John A., Jr.
Wolf, Robert B.
Yoshihara, Takeshi

Lieutenant Commander, Civil Engineer Corps

Alexander, Robert E.
Allgaier, Donald D.
Barczak, Jerome J.
Bauer, John G.
Bednar, George J.
Biondo, Donald J.
Bligh, James E.
Bodamer, James E.
Boennighausen, Thomas L.
Bolinger, Donald S.
Boyce, Heyward E., III
Brockwell, John A.
Byers, Eugene W.
Carter, Robert L.
Caughman, James B., Jr.
Cervenka, Norman L.
Chin, William
Christenson, Carl E.
Christenson, James E.
Christiansen, Von O.
Clearwater, John L.
Connor, William C.
Cook, Carlisle F., Jr.
Cook, Jan W.
Corley, Wentworth H., Jr.
Dallam, Michael M.
Davis, Gene
DeVicq, David C.
Donovan, Lawrence K.
Dozier, Herbert L., Jr.
Dunn, Jerome R.
Earnst, Rossell A.
Engle, Richard M.
Enyedy, Joseph W., II
Farbarik, John J.
Fegley, Charles E., III
Filbry, Herman W.
Fort, Arthur W.
Fraser, John C., Jr.
Frevert, Edward C. Jr.
Gawarkiewicz, Joseph J., III
Gibowicz, Charles J. Jr.
Gilmore, Gordon R.
Grady, Noel "A", Jr.
Harned, David W.
Harper, Melvin H.
Harrell, Haywood H.
Hartman, Paul K.
Herig, William E., Jr.
Holmes, Henry A.
Hutto, Robert E.
Jacobsen, John R.
Kelley, Frederick G.
Kirkley, Owen M.
Kirkpatrick, James D.
Kloecker, Paul V.
Knauf, Richard H., Jr.
Krauter, George E.
Leonard, Daniel B., Jr.
Lewis, Edmund F.
Lowery, Richard A.
Lutz, Donald F.
Lyons, James R.
Marshall, Jimmie G.
Matthewson, Maurice F.
McLaughlin, Edwin W
McNenamin, Lester E., Jr.
Montoya, Benjamin F.
Moody, Thomas W.
Mueller, Karl L.
Muir, Michael D.
Murphy, Frank J.
Naegele, Frederich D.
Neugent, Charles L.
O'Connor, Peter
O'Donnell, William J.
Oswald, Thomas H., Jr
Parisius, Philip J.
Peltier, Eugene J., Jr.
Perez, Johnny
Podbielski, Victor
Reeves, Dwain
Riley, James L.
Ruscyk, Joseph A.
Sayner, William V., Jr.
Schroeder, Clyde C.
Shackleford, Robert H., Jr.
Shafer, Richard V.
Simmons, William A., Jr.
Skiles, Alvin V., III
Smart, Robert D.
Smyth, Wayne S.
Steadley, Alfred M., Jr.
Swistock, John R.
Tack, Curtis A.
Thoureen, Thomas H.
Tibbitts, Jonathan C., Jr.
Tinker, Gordon W.
Updegrove, Loyal R.
Wagner, David R.
Walter, John A.
Weiss, Ralph C.
Westcott, John A.
Williams, "O" Jay
Wood, William L.
Young, John A., Jr.

Captain, Judge Advocate General's Corps

Allen, Henry L., Jr.
Bach, Nicholas R.
Blair, Richard E.
Bryant, Bobby D.
Carraway, Bertram R.
Corley, James W.
Lynch, Leslie "O"
McDowell, Charles E.
Miller, William O.
Nelson, Frank A.
Newsome, William R.
Pfeiffer, Willard D.
Williams, George A.

Commander, Judge Advocate General's Corps

Aylward, William J., Jr.
Battaglino, Joseph M.
Baum, Joseph H.
Boywid, Edward T.
Caprio, Michael R., Jr.
Dowd, George G. Jr.
Freed, Maitland G.
Gregory, John J.
Hairston, Thomas F.
Hall, Harry L.
Harlow, Bruce A.
Jenkins, John S.
Lappin, Robinson
Lawrence, Keith D.
Lohrey, Thomas E., Jr.
Lynch, William C.
McCarthy, Richard J.
Meighan, John M., Jr.
Mirtsching, Leonard C.
Monroe, Harvey N.
Myers, Coleman E.
Price, Oliver L.
Rawls, Roy J.
Sanders, Edward K.
Wade, Manley B.
Walker, Peter B.
Woolley, Herbert T.
Zitani, Genius A.

Lieutenant Commander, Judge Advocate General's Corps

Buhler, Conrad A.
Clark, Bruce A.
Coughlin, Leo J., Jr.
Crane, William A.
Drapeau, John W.
Elliott, William P., Jr.
Gass, James D.
Googe, James P., Jr.
Gustafson, Robert T.
Hilligan, Thomas J.
Hoffman, James L., Jr.
Howard, Ronald C.
Hradecky, Rudolf
Jones, Augustus B., III
Kercheval, John W., II
Kirkpatrick, Milton W., Jr.
Medlin, William R.
Nerseth, Marvin P.
Olson, Roy A.
Riley, James E.
Slater, Richard L.
Sweeney, James W.
Trocki, Daniel B.
Vanslate, Jean E.

Captain, Dental Corps

Allen, Ethan C.
Amman, Fred M.
Austin, Robert E.
Bagby, Robert W.
Bartosh, Andrew J.
Brown, Edward H.
Cohen, Robert
Dennis, Harry J., Jr.
Duggan, Norman E.
Elliott, Robert W., Jr.
Enger, Theodore C.
Farrell, Paul E.
Finnegan, Frederick J.
Hickey, Loren V.
Howard, Roger H.
Kresl, Bernard F.
Leupold, Robert J.
Mann, William H.
O'Malley, John E.
Penick, Edward C.
Rau, Charles F.
Reitz, Phillip V. D.
Scruggs, Charles "S"
Silberstein, Victor H.
Weber, Irving J., Jr.
Wilkens, Carl H., Jr.
Wyda, Andrew, Jr.

Lieutenant Commander, Dental Corps

Allen, Robert W.
Allman, Daryl M.
Altman, Richard S.
Amato, Angelo E.
Anderson, Dale M.
Applegate, Donald E.
Atkinson, Robert A.
Barlow, Doil E.
Biron, George A.
Bodine, Theodore A., Jr.
Bodner, Joseph A., Jr.
Bottomley, William K.
Bradford, Paul L. J.
Brecker, Paul L.
Brenyo, Michael, Jr.
Burch, Meredith S.
Burke, Joseph H.
Cagle, John D.
Carrothers, Richard L.
Castronovo, Sam
Charles, James H., Jr.
Christian, James T.
Corio, Russell L.
Cummings, Matthew R.
Cunningham, Charles J.
Davis, Malcolm S.
Diem, Charles R.
Dodds, Ronald N.
Edwards, Richard C.
Fenner, David T., Jr.
Fenster, Robert K.
Firtell, David N.
Gibson, William V., Jr.
Gomer, Ronald M.
Gonder, Donald C.
Goska, John R.
Grimsley, William A., Jr.
Grove, David M.
Hanson, Richard K.
Herr, Albert
Hill, Ronald K.
Hoffmann, Robert M.
Howe, Robert E.
Huestis, Ralph P.
Kieny, Richard J.
Kitzmiller, John S., Jr.
Koss, Ronald J.
Leonard, Walter P.
Lessig, John F.
Lucker, Ronald W.
Magnus, Walt W.
Mark, Leonard E.
Martin, William R.
McCann, Thomas F.
Messer, Eugene J.
Miller, James E.
Moore, Robert E.
Moyes, Edmund R.
Muldrow, Lewis M.
Neagley, Ross L., Jr.
Parsons, Richard L.
Pines, Barry E.
Pirie, George D.
Plump, Ellsworth H.
Raybin, Sidney
Reed, Wilbur G.
Richter, Henry E., Jr.
Roper, David A.
Semler, Harry E., Jr.
Smith, John M.
Spearman, Glyn M., Jr.
Stallworth, Henry A.
Stanton, George A., Jr
Strange, Charles G., Jr
Stump, Thomas E.
Sugg, William E., Jr.
Sullivan, William C.
Swaim, Bobby L.
Thomas, Robert E.
Tibbetts, Van R.
Trusz, Edward J.
Verunac, James J.
Viles, Darel D.
Voyles, Wesley L.
Walters, Ray A.
Watson, William J.
Wilkie, Noel D.
Williams, Frederick B.

Lieutenant Commander, Dental Corps

Abeyta, Edward L.
Archer, Jerald J.
Ashton, Loye A.
Badger, Daniel G.
Batenhorst, Kenneth F.
Bell, Walter C.
Blanchard, Donald G., Jr.
Bloch, George A.
Boles, Michael E.
Bourgeois, Aubrey J., Jr.
Bowen, Lathe L.
Branon, Anthony W., Jr.
Brazil, Robert W.
Bumgardner, Willie A.
Calder, David R.
Callihan, Michael D.
Canal, John W.
Carroll, Peter B.
Cassidy, Robert E.
Cervera, George A., Jr.
Chandler, Leonard P., Jr.
Charbonneau, Paul C.
Ciardello, Carmen A., Jr.
Clark, George E.
Cook, Robert C.
Copeland, Richard A.
Cottle, Kenneth L.
Curtice, Frederick A.
Delaossa, Arthur D.
Diven, Joel O.
Dupcak, Joseph, Jr.
Eisenburger, Michael M.
Ervin, Melvin, Jr.
Flynn, Dennis D.
Glazer, Sanford A.
Grisham, John P.
Groat, Jack E.
Groff, Gordon B.
Hesby, Richard A.
Hodes, Leonard F.
Holcomb, John B.
Holroyd, Samuel V.
Hurst, Thomas L.
Huttula, Charles S.
Jann, Robert C.
Johnston, William C.
Kawahara, Charles M.
Kelly, James C., Jr.
Kepley, Benjamin F.
Lehman, Paul C.
Leonard, Edward P.
Longenecker, David P.
Lorbeck, James C.
Lowman, Jack V.
Lufkin, John C.
Luhtala, Jay L.
Maastricht, William H.
Mach, Joseph S.
MacPherson, John H.
Martin, Lloyd R.
Matson, John E.
McCoy, Richard B.
McMahon, Joseph P.
Mohr, Richard W.
Niesar, George F.
Oldfield, Ronald E.
Pedrick, George R.
Pierce, Gerald L.
Poe, Gerald S.
Poidmore, Sam J.
Pozen, Matthew J.
Rackley, Otis D., Jr.
Regan, Paul F.
Russell, Harold L.
Sabala, Clyde L.
Salmon, Thomas N.
Sawyer, Hershel G., Jr.
Schaberg, Siegfried J.
Schnee, Ralph E.
Schonbrun, Robert G.
Sconyers, Jimmy R.
Scoralle, Donald L.
Scott, Ronald W.
Sharp, Bobby M.
Skyberg, Russell L.
Smith, Cameron M.
Smith, Carl J.
Stalb, Douglas B.
Stefl, Charles T.
Sugg, Thomas H.
Thibodeau, Richard A.
Triplett, Robert G.
Vath, Charles R.
Walker, Oscar B.
Watkins, Owen T.
Wheetley, Woodrow D.
Whitlock, Richard P.
Wickord, Richard W.
Wittgow, Walter C., Jr.
Yeager, James E.
Zotter, Frank E.

Captain, Medical Service Corps

Allen, Cleo R.
Cumming, William G., Jr.

Commander, Medical Service Corps

Arns, William E.
Ball, Ernest A. W.
Becker, David E.
Beckwith, Joan M.
Brandon, Daniel A.
Campbell, Howard B.
Connery, Horace J.
Dennis, "J" "M"
Devine, Leonard F.
Dietch, Michael M., Jr.
Feith, Joseph
George, Robert E.
Gilbert, Richard S.
Hartley, Robert L., Jr.
Heath, Jean L.
Hockstein, Edwin S.
Holston, Charles A.
Hoover, Lillian P.
Howard, John E.
Inman, Elmer E., Jr.
Janson, Harold J.
Johnston, James F.
Jones, Philip E.
Lane, Jack R.
Long, William L.
Miller, Harry P.
Myers, John D.
Nichols, Lavern E.
Oleson, Russell H.
Petoletti, Angelo R.
Richardson, James W.
Riser, Ellis W.
Roach, Leon M.
Sanborn, Warren R.
Schaffner, Leslie J.
Scrimshaw, Paul W.
Smith, Robert L.
Smout, Jay C.
Steward, Edgar T.
Turner, David H.
Wagner, Carl M.
Wetzel, Orval B.
Wimberly, Clyde O.
Woodman, James T.

Lieutenant Commander, Medical Service Corps

Anderson, Walter C.
Angelo, Lewis E.
Baldauf, George W.
Bertka, Robert E.
Blake, John P.
Blankenship, William L.
Bolton, Richard B.
Bowden, Ronald R.
Bowdren, Laurence P.
Brideau, Donald J.
Brown, Charles R.
Brugman, Arthur P.
Bryant, Eugene M., Jr.
Casler, Wilfred I.
Chastain, Howard T.
Chipman, Albion P.
Collier, Patrick J.
Comfort, Gerald G., Sr.
Condon, Earl N.
Corder, James E.
Correll, Joseph M.
Crodick, William J.
Dewitt, James E.
Dietz, Bruce J.
Dunham, Chester J., Jr.
Elfstrom, Berger R., Jr.
Ellis, Glenn M.
Erwin, Richard E.
Fallers, Harry R., Jr.
Fanning, Graydon E.
Francis, Raymond D.
Freeman, Benjamin C.
French, James A., Jr.
Gobbel, Henry D.
Gonsalves, John H.
Goodson, James E.
Hassey, Jasper T.
Hatch, Emery J.
Heaton, Harley L.
Hodges, Richard C.
Hoover, Donald E.
Hourihan, Catherine P.
Hussey, Theodore A.
Jenkins, Lawrence J., Jr.
Johnson, Jimmie H.
Kane, George P.
Kemp, James E.
Kessler, Raymond B.
King, William U.
Kovarik, Clifford V.
Krollman, Richard W.
Lakey, Dean E.
Lanier, Bobby M.
Law, Malcolm K.
Lawson, Donald R.
Leadford, William M.
Lecas, Kenneth E.
Littner, Henry D.
Livingston, Donald K.
Madison, Howard D.
Martin, Douglas M.
McDermott, Roland W.
McFee, Charles A.
Millard, George W.
Moore, Charles J.
Mullinix, Chloe A.
Mulvey, Joseph R.
Nourigat, Earl R.
Pearce, Charles J.
Peckenpaugh, Normand L.
Pelletier, Louis E.
Robinson, Jack V.
Rucker, Thomas J.
Shedlosky, Albert F.
Smith, Fred E.
Smith, Robert W.
Sowers, Hubert H., Jr.
Spiegler, Joel B.
Stephens, Bobby L.
Surface, Robert L.
Swindall, Victor A.
Tandy, Roy W., Jr.
Thompson, James C.
Webb, Laurence H.
Weidner, Wilfred L.
Wherry, Robert J., Jr.
White, Robert L.
White, Sheldon A.
Woodard, Charlene J.

Captain, Nurse Corps

Collins, Jeannette
Conrad, Arline C.
Duerk, Alene B.
Feeney, Elizabeth
Kovacevich, Mary T.
Maguire, Eleanor J.
Mentzer, Romaine M.
Murray, Elizabeth M.
Schmid, Pauline W.
Smith, Marcella E.
Smoker, Sue E.
Sullivan, Aline E.

Commander, Nurse Corps

Barnes, Annabelle
Belezos, Caliope M.
Benedict, Marian M.
Bernstein, Barbara E.
Brooks, Ruby M.
Burch, Mary C.
Copic, Kathryn M.
Cowden, Elnora J.
Crockett, Mary R.
Dalesio, Dorothy A.
Daniels, Marvelle L.
Davis, Jean E.
DeMarco, Evelyn M.
Donoghue, Margaret C.
Durkin, Veronica A.
Easter, Mary R.
Fenn, Bernice E.
Ferguson, Miriam "M"
Fine, Rachel A.
Finn, Celine A.
Fogarty, Anna L.
Foley, Alicia M.
Fudala, Adeline R.
Furmanchik, Helen I.
Gormish, Sophia H.
Graves, Ellen G.
Halverson, Ruth E.
Happ, Nellie L.
Hockenberger, Charlotte E.
Hooker, Doris H.
Howard, Katherine A.
Jakshe, Louise F.
Kelcec, Caroline A.
Kubicz, Ann R.
Lanaghan, Harriett M.
Lawrence, Opal M.
Lewis, Betty J.
Livirrie, Althea A.
Lux, Virginia C.
Macdonald, Patricia H.
Macha, Edith M.
Madsen, Gladys
Maun, Shirley J.
Maynard, Mary E.
Merritt, Lois C.
Miller, Shirley A.
Morris, Thekla W.
Muhlenfeld, Loretta T.
Murphy, Lorraine M.
Murphy, Loretta M.
Nagy, Bettye G.
O'Barto, Waldena
Pampush, Ruth G.
Perlow, Marion R.
Peterson, Lee
Pfeffer, Elizabeth M.
Proto, Theresa M.
Redgate, Janet M.
Robinson, Libia G.
Ruppert, Margaret R.
Sauer, Mary A.
Schlosser, Joan M.
Shea, Claire M.
Shea, Frances T.
Shelton, Waunie L.
Sheridan, Anne M.
Sherman, Miriam C.
Simmons, Harriet A.
Spencer, Lelah E.
Stewart, Mary G.
Wilson, Katherine

Lieutenant Commander, Nurse Corps

Agnew, Lynnell A.
Allen, Janet N.
Anderson, Dolores E.
Arthur, Margaret J.
Bailey, Ida B.
Baker, Mary E.
Barcott, Joann L.
Barry, Margaret R.
Bizzelle, Johnnie E.
Brase, Beverly J.
Bresnahan, Joan C.
Brouillette, Marie J. E.
Bushley, Nancy L.
Bynum, Joan C.
Calloway, Emily F.
Carroll, Ann T.
Chute, Judith R.
Clayton, Irish B.
Clunan, Claudette C.
Cope, Patricia A.
Crumpton, Frances L.
DeGeorge, Augusta E.
Dudley, Julia B.
Durupt, Monica V.
Edwards, Karen E. C.
Estell, Mary E.
Fillmore, Elizabeth J.
Finkle, Nancy C.
Frates, Virginia M.
Geary, Betty L.
Green Bonnie J.
Hall, Mary F.
Hines Alyce M.
Hogg, Peggy L.
Hudson, Marilyn R.
Jennett, Jo A.
Johnson, Mildred E.
Kelly, Joann P.
Kelly, Margy S.
Kelly, Mary
Kendall, Kathleen M.
Kiely, Sally A.
Klaetke, Irma E.
Koester, Helen M.
LaPointe, Carol J.
Ledgerwood, Mary C.
Leuenberger, Patricia I.
Link, Laveta F.
Lochte, Rose M.
Lukacs, Mary C.
Lundquist, Nancy L.
Lynch, Marie A.
Lyons, Barbara A.
Masters, Eleanor M.
Matuszewski, Barbara R.
McNair, Joan A.
Meehan, Mary K.
Morandi, Virginia D.
Nehr, Rosalie R.
Nelson, Marijean V.
O'Neill, Elizabeth
Orofino, Gloria A.
Ottoson, Joan
Peters, Edna L.
Purdy, Claire H.
Reiner, Joan
Rollins, Jean C.
Rosford, Barbara C.
Ross, Stella A.
Sasser, Georgiarene
Scherer, Carolyn E.
Schrock, Doris M.
Scott, Janet
Shaffer, Bernardine L.
Sifling, Doris E.
Southworth, Jean E.
Spellman, Georgia E.
Staudenraus, Dolores M.
Stelzer, Kathleen
Stewart, Nicola J.
Stone, Patricia A.
Stuart, Irene M.
Sullivan, Elinor M.
Swanson, Joan F.
Swetonic, Majorie A.
Thomas, Shirlie Y.
Uebel, Donna J.
Ueblacker, Martha M.
Warner, Patricia A.
Watson, Beverly A.
Weidt, Bew P., II
Wilhelmy, Catherine M.
Wohlgemuth, Janet C
Young, Mary L.
Zatzariny, Tanya

The following-named officers of the U.S. Navy, for temporary promotion to the grade of lieutenant in the staff corps, as indicated, subject to qualification therefor as provided by law:

MEDICAL SERVICE CORPS

Armstrong, Carl Andrew, Jr.
Aulls, John Griswold.
Bartlett, Jack Wallace.
Bentley, William Sturges.
Berry, Wayne Harold.
Blackford, James Michael.
Blaylock, James Donald.
Bolshazy, Robert Stephen.
Braitsch, Ted Alan.
Bransford, Charles Duane.
Brown, David William.
Bruder, Paul Theodore.
Campbell, Paul Ernest.
Cannon, James Robert.
Chandler, Donald Ray.
Chappel, Wendell Leo.
Chegash, Thomas John.
Coleman, Loren Marion.
Cornejo, Hector.
Davis, Gary Thayne.
Dould, Philip Edward.
Duny, Marshall Sol.
Ebersole, Richard Wilson.
Edgerton, Owen Lee.
Finley, Clemeth Wallace.
Foskey, Leslie Thomas.
Hanson, Eugene Charles.
Harrell, James Howard.
Haws, Virtus Paul, Jr.
Hayes, Elbert Chartrand.
Hess, Stuart Allan.
Iczkowski, Marcel Dennis.
Ishmael, Rex Harlan.
Kelley, Charles Anderson.
Kern, Monte James.
Knodle, Edward Maurice.
Lanerie, George Ray.
Legg, Robert Paul.
Lekvold, William Dean.
Marks, Richard Charles
McCarty, James Edwin, Jr.
McClannahan, William Matthew, Jr.
McKinney, Arthur Paul
McKinzie, Louis Eugene
Meaney, Maurice Terrance
Merkel, Frederick Joseph
Miller, Fenton Crockett, Jr.
Mock, Leonard Ralph
Montgomery, Charles Ernest
Mooers, Robert Louis
Moyer, Kenneth Edwin, Jr.
New, James Caudell
Norvell, Robert Dayton
Ohnemus, Francis William
Oien, Eldor Roger
Panas, Bruce Richard
Parker, Cloyd Joseph
Pelphrey, James Henry
Prigmore, Marvin Earnest
Pulvermacher, Harold Edward
Rayno, Robert Henry
Reed, Paul John
Roberson, Walter Edward
Rush, Elvia Dale
Russnogle, Robert Lewis
Sessions, Nathan Mansfield
Shaffer, Kenneth Wayne
Shannon, Albert Francis
Sixsmith, Howard Thomas, Jr.
Smith, Jerauld Homer
Snyder, James Edward
Solmen, James David
Springfield, Robert Lynn
Stemple, Todd Ralph
Stovall, Gary Hudson
Stratton, William Frederick
Taylor, Robert Beck
Thomas, Dennis Merrill
Truran, Paul Frederick, Jr.
Tyndall, John Bard
Waldroupe, Derrel Lee
Wenrick, David Lowell
White, Daniel Ellsworth
Wigle, Earl Clinton
Windham, George Scott
Wooldridge, Robert Landon
Yates, Harold, Jr.

NURSE CORPS

Caruso, Teresa

SUPPLY CORPS

Ader, James Allen, Jr.
Aljoe, Daniel William.
Allen, Randall Clark.
Anderson, Wayne Eugene.
Angus, William Arthur, III.
Averett, Gary Lynn.
Baggett, Terry Max, Jr.
Baker, Richard Burl.
Banks, John Wesley.
Bassi, Felix Joseph.
Battey, Maurice Wayne.
Becker, Christopher Santana.
Bedell, William Jackson.
Bello, John Joseph.
Benson, John Howard.
Bergman, Gerald Vernon.
Bernichon, Clay Edward.
Berthy, Leslie Charles.
Brawley, Patrick William.
Bristol, Roger Willis.
Burn, Richard Hunt.
Chastain, William Wirt.
Chestnut, James Ellis.
Cole, Barry William.
Couture, Joseph Albert.
Crouch, Michael Avery.
Culver, Joseph Ernest.
Cunningham, Thomas Andrew.

Cunningham, Lawrence Michael.
Dashiell, Robert George.
Davenport, Bill Trammell, Jr.
Daymont, Thomas Norman.
Dennison, Daniel Herbert, Jr.
Doares, Michael Gray.
Drewes, Warren John.
Drum, Eugene Robert.
Dunar, Andrew James.
Dunn, Christopher Anderson.
Dunnavant, David Earl.
Dyer, Raymond Wayne.
Edwards, James Richard.
Enders, Robert James.
Erikson, Robert Warren.
Far, Robert Arthur.
Farkas, James Anthony.
Faussner, Robert Eugene.
Finefrock, Carl George.
Fitzgerald, Kenneth Wayne.
Fox, Robert Edward.
Frank, Bernard Clarence.
Gill, Newton Gregg.
Greer, James Nelson.
Gulick, Gilbert Glenn.
Hager, Hampton Croson, Jr.
Hand, Edward Francis.
Hanlin, John Paul.
Harr, David James.
Harty, James Patrick.
Hayslett, Roderick James.
Healy, Stephen James.
Henninger, Ernest Henry.
Hickman, William Allen.
Hoffner, Thomas Alan.
Inouye, Clinton Wayne.
Johnson, Delmont Scott.
Johnston, Richard Earl.
June, Michael Anthony.
Kallal, Patrick Joseph.
Kelly, Thomas Andrew.
Kesselring, Steven Dale.
Kilpatrick, James Angelo.
Krogh, Leslie Allen.
Kuhn, Thomas Richard.
Lake, Roger Allan.
Lea, Gary Raymond.
Lee, Burton Jack.
Lewis, Albert Michael.
Lewis, Robert Glenn.
Linsley, William Francis.
Luhr, Monte Keith.
Madden, John Eugene.
Malone, John Murray.
Mason, Charles Roger.
Mason, Richard Henry.
McConnell, John Norman.
McGee, Carl Edwin.
McNeil, Donald Calvin.
McNutt, Jerry Wayne.
Medford, Paul Nathaniel.
Miller, Kenneth Ray.
Moser, Daniel Earl, Jr.
Mulva, James Joseph, Jr.
Neeb, John Gilcher.
Nemeth, John William
Nierman, William Charles.
Nunley, Jack Bruce.
Oberman, Marvin Dean.
Odachowski, Edward John, Jr.
Oneal, Floyd Wendell.
Overhouse, John David.
Parker, Thomas Lee.
Perkins, James McArthur.
Poole, Francis Xavier.
Pretulak, Donald Theodore.
Purdy, Robert Lawrence.
Rains, David Marlin.
Ramelli, Daniel Steven, III.
Raudabauch, John Neil.
Reeder, John Frederick, Jr.
Richmond, Robert Heston.
Riddick, Gordon Mather, Jr.
Rucka, Edward Timothy.
Ruckman, Hugh Bennett, III.
Russell, Robert Durrell, Jr.
Ryan, James Arthur.
Saracino, Hugh Francis.
Schrum, Richard Ward.
Sewall, Frank Bates.
Sfara, Joseph Anthony.
Shapack, Arnold Robert.
Shepherd, Robert Myrick, Jr.
Sherman, Arthur Eber.
Shorter, James Russell, Jr.
Squires, Robert Roy.
Stack, Joseph Charles, Jr.
Stapp, Fred Trigg, Jr.
Straight, Ronald Lee.
Studders, James Philip.
Stuedemann, Richard Orrin.
Sullivan, Reed Alvord.
Tanner, Stephen, Alan.
Taylor Charles Floyd, Jr.
Taylor, Joseph Zachary, Jr.
Theiss, Girard Paul.
Thompson, Edward Earl.
Thomson, James Edward.
Triche, Ernest Joseph, III.
Upchurch, David Emerson.
Vance, Michael Gordon.
Vehlewald, Verney Virgil.
Virtue, Richard William.
Vroman, Richard Donald, Jr.
Watson, David Stewart, II.
Webber, Bernard Allen.
Youngman, Grant Hughes.
Zeller, Robert William, III.

CIVIL ENGINEER CORPS

Anderson, Edward Leon.
Andrews, James Marshall, Jr.
Barrett, Gerard Jude.
Bartlett, James Vincent, Jr.
Bellafronto, Robert Louis.
Casey, George Edward, Jr.
Christopher, Charles David.
Copeland, Robert Rich.
Corrigan, Phillip George.
Dailey, David Leroy.
Deacon, Brian Richard.
Eisenhardt, Paul.
Elliott, Robert Edward, III.
Emison, Gerald Andrews.
Funk, Richard Bradley.
Gallen, Kevin Paul.
Goepfert, Eric Richard.
Gunn, Thomas Edward.
Holland, George William.
Hufnagel, Karl Richard.
Hughes, John David.
Johannesmeyer, Charles Alan.
Kannegieser, Andrew Anthony.
Keith, Donald Rae.
Kovalcik, James Patrick.
Marshall, Peter Wayne.
Messick, Frederick Smith, Jr.
Mickelson, James Edward.
Miller, Ronald Lee.
O'Brien, Robert Gerald.
Rampe, Thomas Raymond.
Runsvold, James Michael.
Schramer, Mathias Charles, III.
Sholders, Michael Verne.
Spencer, Sidney Thomas.
Stearns, Carl David.
Stevens, David Lawrence.
Stevenson, Herbert Scott.
Webb, Richard David.

The following named officers of the U.S. Navy, for temporary promotion to the grade of captain in the line, subject to qualification therefor as provided by law:

Abelein, Herman Carl.
Adler, Robert Earl.
Agnew, Richard Scott.
Anderson, Stanley Joseph.
Anglim, Daniel Francis, Jr.
Ashmore, Jackie King.
Ashurst, Albert Joseph.
Ayres, William Harvey, Jr.
Backstrom, Robert Irving.
Bakke, Harlan James.
Barkalow, Gerald Hyde.
Barker, Harold Drake.
Barnette, Curtis Levon.
Barrineau, Edwin.
Barron, Joseph Michael.
Barunas, George Aloysius, Jr.
Bauer, Edward Clark.
Beasley, James Wiley.
Beitzer, Francis Joseph.
Benton, Hugh Arthur.
Bergstrom, James Howard.
Berthier, Neil Eugene.
Block, Peter Fitzgibbon.
Bohannan, William Louis.
Borgstrom, Charles Olaf, Jr.
Boston, Leo.
Bowen, Jack Winnree.
Bowersox, Earl Charles, Jr.
Branch, Alvin Deon.
Bres, John Henry.
Brick, John Henderer.
Brown, Peter Gregory.
Bryan, Gordon Redman, Jr.
Buck, Roger Leonard.
Burden, James Dineen.
Burkhalter, Edward Allen, Jr.
Burt, Alexander Roy, Jr.
Burton, Herbert Oran.
Bush, Charles Leroy.
Butts, John Lewis.
Byron, John Bryan.
Caldwell, Ronald Harry.
Canaan, Gerald Clyde.
Cariker, Jess Lee, Jr.
Carius, Robert Wilhelm.
Carlson, Burford Arlen.
Carr, William Kelly.
Carter, Edward Walter, III.
Cassilly, Frank Rodes.
Cawley, Thomas Joseph.
Chewning, Robert Wills.
Choyce, Charles Van.
Christenson, Donald Allen.
Church, Clifford Ellison, Jr.
Church, George Andrew.
Clark, Wyndham Stokes, Jr.
Cochran, James Alexander.
Cole, Charles Wesley.
Colenda, Herbert Fentriss.
Colvin, Robert Doyle.
Conlon, Frank Stevenson.
Cooney, David Martin.
Cooper, Carleton Robert.
Cooper, David Lawson.
Crawley, Don Edward.
Cross, Daniel Frank.
Crow, Edwin Monroe.
Davey, Richard Byrd.
Davidson, Richard Sterling.
Davis, Henry Jefferson, Jr.
Davis, Michael Chase.
Day, Lawrence Calvin.
Demers, William Henry, II.
Dewitt, Duane Darrell.
Dittmar, Louis Clinton.
Doak, Samuel Lawall.
Dodd, Robert Lee.
Draddy, John Mangin.
Driscoll, Jerome Maher.
Duke, Marvin Leonard.
Dunn, Robert Francis.
Dunning, Frederick Samuel, Jr.
Dwyer, Laurence Albert.
Easterling, Crawford Alan.
Eckert, Richard Holvey.
Eckstein, John Richard.
Edwards, Frederick Andrews, Jr.
Elfelt, James Sidle.
Ellinghausen, Walter Adsmond, Jr.
Elliott, James Donald
Ellison, David Joe
Farrell, John Roger
Feagin, Frederick King
Feit, Harry Hartman, Jr.
Fellowes, Frederick Gale, Jr.
Fitzpatrick, Joseph Anthony
Foley, Sylvester Robert, Jr.
Forsyth, Robert Joseph
Foster, James Richard
Fox, Albert Daniel
Fox, Richard Thornton
Franklin, Billy Dean
Friesen, Edwin J.
Frudden, Mark Perrin
Fuller, Robert Byron
Gardner, Richard Carner
Gardner, Richmond
Geitz, Kenneth Lloyd
Gercken, Otto Edward

Gilchrist, John Foster, II
Gillespie, Charles Rodgers, Jr.
Goldbeck, Lewis Henry, Jr.
Goldman, Howard Allen
Gottschalk, Arthur William, Jr.
Goulds, Ralph John
Gray, Walter Scott, III
Green, John Neal
Green, Richard Wayne
Griffin, Jack Ross
Grigg, William Hunter
Grosvenor, Alexander Graham Bell
Grunwald, Edward Albert.
Gurney, Charles Edwin, III
Gurney, Sumner
Haff, William Burton
Hall, Berkeley Wells
Halleland, Henry Lloyd
Hallett, Edward Reveley
Hamer, Robert Reginald, Jr.
Hardgrave, James Barton
Hart, Stephen Leo
Hart, William Daniel
Hartell, Ronald Dale
Hayes, James Thomas
Heigl, John Theodore, Jr.
Herbig, Henry Frank
Herndon, William James, Jr.
Hibson, Leo Anthony, Jr.
Higginbotham, Leonard Howard
Hill, James Colson
Hines, Gulmer Augustus, Jr.
Hoffman, Robert Dale
Hofstra, Edward Jacob
Holcomb, M. Staser
Holt, Robert Edwin
Hoover, Richard Martin
Huth, Ralph Lee
Inman, Bobby Ray
Ismay, Arthur Peter
Jansen, Alan Lester
Jennings, John Staff
Jensen, Wayne Leroy
Jermann, Donald Robert
Jett, William Starke, III
Johnson, Joseph Jefferson
Johnson, Richard Charles
Johnson, Robert Whitman.
Johnson, Willard Edward.
Jones, Ray Paul.
Jones, Stanley Washburn.
Jordan, Watt William, Jr.
Kamrad, Joseph George
Kaune, James Edward
Keach, Donald Leigh
Kelsey, Robert Lee.
Kennedy, James Roger, Jr.
Ketchmark, Giles Jerome.
Kidd, Owen Austin.
Kinnebrew, Thomas Richard.
Kinsley, Donald Taylor.
Kirksey, Robert Edward.
Klett, George Jacob.
Kollmorgen, Leland Stanford.
Krantzman, Harry Morris.
Lacy, James Ernest.
Larry, Walter Charles.
Lasell, Max Henry.
Lasley, William Ward.
Lautermilch, Paul Anthony, Jr.
Lawrence, Gregory Edson, Jr.
Lawrence, William Porter.
Lechleiter, Mark Bernard, Jr.
Ledew, Thomas Albert.
Leis, Alfred Charles.
Lemmon, Virgil Joseph.
Lester, Louis Rhea, Jr.
Leue, David Ernest.
Lewis, James Richard.
Libey, John Davis.
Lockwood, Harold Raymond.
Longhi, William John.
Loux, Raymond Eugene.
Lovelace, Robert Henry.
Loyd, Rupert Hare.
Luskin, Arthur George.
MacDowell, Charles Robert.
Maice, Lee, Jr.
Malan, Max Edward.
Malloy, John Edward.
Malone, Thomas Logan, Jr.
Manning, Richard Thomas.
Martin, Richard William.
Martin, William Kinne.
Massa, Emiddio.
Maxwell, Daryl Orville.
Mazzolini, John Andrew.
McAnulty, David John.
McArthur, John Chester.
McArthy, Richard Leland.
McClain, Kirby Larue III.
McCormick, Daniel Gilbert III.
McDonough, William Drislane, Jr.
McGlohn, Robin Hollie, Jr.
McGuire, Orville Wendell.
McKellar, Edwin Daniel, Jr.
McKnight, Jesse Eddie, Jr.
McNally, John Joseph, Jr.
McNerney, James Francis.
McQueston, Jack Edward.
McQuillin, John Parker.
Mealy, Daniel Nelson.
Meeks, Robert Benjamin.
Merchant, Paul Glenn.
Metcalf, Joseph, III.
Miale, Robert Eugene.
Miguel, Theodore, Jr.
Miller, Richard Archibald.
Minnigerrode, John Herritage Brya.
Mitchell, Joe Cephus.
Montague, Lloyd Lee.
Morris, Robert Eastin.
Mountford, Edward Joseph.
Morrissey, John Noel.
Mow, Douglas Farris.
Muck, Floyd Robert.
Mull, Charles Leroy, II.
Murphy, Frank M., Jr.
Murray, Douglas Vrooman.
Muto, Charles John.
Neander, Stanley Brown.
Nolan, Joseph Dunstan.
Nordan, Emile Earl.
Norton, Curtis Ralph. Jr.
Nunneley, John Kerwin.
Nunneley, James Kenneth.
Nyce, William Edward.
Odrain, John Edward.
O'Hara, Jack Franklin.
Orem, John Bohannon, Jr.
Ostrand, Allen Eugean.
O'Toole, Kevin James.
Ozburn, Forrest Cline, Jr.
Palmer, Gary Hall.
Parrish, William Isaac.
Paulk, Joseph McDonald.
Peterson, Richard Eugene.
Pettigrew, Raymond Arthur.
Pezzei, Engelbert George.
Phillips, Alan Randolph.
Phillips, Charles Thomas.
Piraino, Daniel.
Platte, William Allan.
Powell, James Richard, Jr.
Pride, Alfred Morine.
Profilet, Leo Twyman.
Puccini, Joseph Elmer, Jr.
Putnam, Charles Lancaster.
Quigley, Donovan Bernard.
Quinn, Jack Quentin.
Radcliffe, Roderick Thomas.
Radja, James Eugene.
Ramsey, William Edward.
Rasmussen, Robert Leonard.
Redman, James Richard.
Reed, Robert Kendall.
Regan, William Baird.
Rentz, Frank Leslie, Jr.
Replogle, Thomas Harvey.
Resek, Lawrence Harmon.
Reynolds, Kenneth Clay.
Richard, Jackson Bethune.
Robinson, Robert Bruce.
Rockwell, Richard Frederick.
Rockwood, Jerred Rushton.
Roth, Franklin Herold.
Rough, Jimmie Lynn.
Rowden, William Henry.
Rowley, Reginald Charles.
Ruble, Byron Crabbe.
Russ, Jack Elden.
Rutherford, Ralph Baillie.
Rutledge, Howard Elmer.
Ryan, John James, Jr.
Sagerholm, James Alvin.
Salin, Robert Sven.
Sample, Richard John.
Sarosdy, Louis Robert
Sattler, Donald Charles
Schenker, Marvin Leonard.
Schlank, John James, Jr.
Schneider, Arthur Frederick.
Schuller, Gordon Joseph.
Schulte, Richard Joseph.
Schultz, Milton John, Jr.
Schwartz, Sheldon Omar.
Schwarz, Ira Norton.
Scribner, Henry Irving, Jr.
Seay, Wesley Herman, Jr.
Self, William Henry Cowles.
Seymour, Ernest Richard.
Shafer, Walter Richard.
Shaffer, Guy Henry Baskerville.
Shannon, Rickard William.
Shaughnessy, William David.
Shaver, Frank Trenton.
Sherman, Peter Woodbury.
Sherman, Thomas Hanson, Jr.
Shrine, Bertram, Jr.
Simmons, Robert Raymond.
Small, Robert Holdermann.
Smedberg, William Renwick, IV.
Smith, Carol Castleman, Jr.
Smith, Thomas Mitchell.
Soracco, David Louis.
Spayde, Keith Crawford, Jr.
Spiller, John Herman, Jr.
Springer, Roy Marinor, Jr.
Stanley, Richard Mervin.
Stewart, Thomas Phillip.
Storeide, Arthur Julius.
Strand, John Alexander, Jr.
Stratmann, Charles Immanuel.
Stull, Donald.
Sundt, Wilbur Allen.
Surovik, George Alfred.
Swadener, John Richard.
Swarztrauber, Sayre Archie.
Swenson, Erick Noak.
Terrell, Fred Worrell, Jr.
Thamm, Tom Brobeck.
Thomas, Gerald Eustis.
Thomas, John Keith.
Thomas, Walter Russell.
Tillson, John Granville.
Tomb, Paul David.
Toy, Frank Evans.
Tuomela, Clyde Henry.
Turnbull, James Robert.
Tyson, James Jordan, Jr.
Underwood, Leland Jack.
Utterback, Paul Wilson.
Vahsen, George Martin.
Vankleeck, Justin Laing.
Vanreeth, Eugene William.
Wagner, Robert Henry.
Wales, John Renison.
Wallace, Kenneth Richard.
Ward, Thomas Martin, Jr.
Warwick, William Bertram.
Watson, Peter James.
Whaley, William Semmes.
White, Steven Angelo.
Whitman, Donald Louis.
Wigent, Richard Andrew.
Wikeen, Donald Bruce.
Wilber, Walter Eugene.
Wilkinson, Edward Lewis.
Wilkinson, Joseph Barbour, Jr.
Williams, Allen Dean.
Williams, William Albert, III.
Williford, James Richard, III.
Willson, Donald Merritt.
Wilson, Joseph William.
Wilson, William Wellington.
Wilson, Alexander Blake.
Winberg, William, III.
Winnefeld, James Alexander.
Wood, Lewis Irvin.
Woolcock, Thomas Edward.
Wooldridge Edmund Tyler, Jr.

Wuethrich, Don Leon.
Zacharias, Jerrold Matthew.
Zeisel, Richard Stephen.
Zoehrer, Herbert Alfred.

Comdr. Muriel J. Lewis, U.S. Navy, for permanent promotion to the grade of captain in the line, subject to qualification therefor as provided by law.

U.S. MARINE CORPS

The following-named disability retired officer for reappointment to the grade of first lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Stevens, Arnold T., xxx-xx-xxxx, USMC.

CONFIRMATION

Executive nomination confirmed by the Senate September 14, 1970:

NATIONAL CREDIT UNION ADMINISTRATION

Herman Nickerson, Jr., of Maine, to be Administrator of the National Credit Union Administration.

EXTENSIONS OF REMARKS

ON THE NATURE OF A UNIVERSITY—ADDRESS BY OTIS SINGLETARY, PRESIDENT, UNIVERSITY OF KENTUCKY

HON. MARLOW W. COOK

OF KENTUCKY

IN THE SENATE OF THE UNITED STATES

Monday, September 14, 1970

Mr. COOK. Mr. President, I ask unanimous consent to have printed in the RECORD the sage comments of Dr. Otis Singletary, president of the University of Kentucky, regarding the role of the university in today's world. Dr. Singletary is serving well the people of his university and our society by recognizing the needs of both as fulfilled through the work of the university. I have great confidence in the future of the university under the leadership of a man possessed of such wisdom.

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

[From the Chicago Tribune, Sept. 6, 1970]

ON THE NATURE OF A UNIVERSITY

(By Otis Singletary)

(NOTE.—Mr. Singletary is president of the University of Kentucky. This is an excerpt from a speech he gave at Eastern Kentucky University.)

I think I owe it to you to make clear at the outset two basic beliefs that I hold. The first of these beliefs is that our colleges and universities are vitally important to this society and to the individuals who make it up.

I have spent nearly 35 years of my life on campus as a student, teacher, and more recently administrator, and have had ample opportunity to see and know these institutions. Try as I may, I am unable to take seriously any projection of the future that assumes a world in which demonstrated competence and trained intelligence will not be required.

I remain convinced that education has in the past and will in the foreseeable future continue to be the instrument for the fullest development of human potential. As has been observed before, the university is not a perfect institution; it is only the best we have. And I would add, it deserves better from some people than it has been getting.

HOPE OF THE FUTURE

My second admission is that I truly believe that your students, and the thousands of other young people in this country like them, are the hope of the future. I say this because I believe this nation has a future. For all its problems, I believe this to be the most lovely and livable of all nations; and for all our faults, I believe the record will show that Americans are basically a kind and generous and decent people: Not better—not worse—not freer from the limitations of the human conditions.

Having made these positions clear, let me now move to some more specific comments about the nature and purpose of the American university. Contrary to popular opinion, our institutions of higher learning are not operated exclusively for students—or for faculty members, or for administrators, or for trustees, or for all of these, for that matter.

Historically speaking, they have been created and supported by our society to perform certain important functions for the common good of society. This is the larger meaning of the term "public interest" as it applies to institutions of higher education.

With specific regard to students, the academic community has a dual obligation—to provide sound academic and intellectual training and to aid in the development of mature and ethical persons who are able and willing to act responsibly and who are sensitive to the humanity of others.

A college or university is not a supermarket whose customers are always right; nor is it a retreat dedicated either to the pursuit of faculty tranquility or to student comfort and contentment (there are larger and better appointed rest homes and recreation centers located elsewhere).

It is not a welfare agency or an arena where the pressing problems of the day are confronted and solved by carefully stockpiled experts. It is not just the larger society in microcosm. It is not and should not attempt to be a miniature of the world outside its gates.

A SPECIAL PURPOSE

The university is a special purpose rather than a general purpose community and what sets it apart from the larger society is its particular emphasis upon the gathering, sharing and using of knowledge. The university is a place where scholarship and teaching in the learned disciplines is a primary pursuit; a place that values truth, freedom, relevance, individuality and responsibility; a place where "learning" is the bond that all share in common.

The university is a place for asking oneself the central and eternal questions:

Who am I?

Whence have we come and whither may we go?

What kind of person do I choose to be?

What has man achieved in the way of truths to be known and beauties to be enjoyed?

I know of no place where questions like these are examined more fully and more seriously than in a good university.

Our universities play an exceedingly important role in our society by providing an "open forum" where the great issues and ideas [indeed, the controversies] of the day can be publicly debated and examined. Universities are not just luxuries in which societies indulge themselves, or ornaments with which they decorate themselves or toolbins from which they equip themselves.

FORUMS FOR DEBATE

Universities, if they deserve the name at all, are forums in which intelligent, concerned and knowledgeable men and women of every persuasion can and do debate the most important issues there are. Static societies need no universities at all; "closed" societies need only schools for technologists because they already "know" the answers to all the vital problems of value.

But the more "open" a society, the more desperately it needs its universities. To those who would close or drastically alter our universities, I have these words of caution.

I ask them to remember that—

Here work men of good will who desire a better world.

Here truths are discovered.

Here lives are examined.

Here young people civilize themselves.

Here lives human culture.

Amidst all the soul-searching, and blame fixing, and recriminations of our time, I would remind you that we, as a people, have never been more prosperous, or for that matter, more generous with our prosperity; we have never been more concerned than we are today about education, or social justice, or civil rights.

We have never been more engaged in trying to bring some kind of decency and order into a world desperately in need of decency and order.

We are, in short, trying more [and I would argue achieving more] but sometimes failing. And we seem to be developing [almost a national characteristic] a tendency to concentrate on what is wrong to the exclusion of what is right.

Believing this to be true, I would like to express the hope that you will look at the society as it deserves to be looked at—critically, responsibly, and with perspective. There is a very good chance that you will discover that you are a citizen of no mean country.

THE FOND DU LAC COMMONWEALTH REPORTER MARKS 100 YEARS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, during the Labor Day recess I had occasion to take part in the 100th anniversary celebration of the daily newspaper, the Fond du Lac Commonwealth Reporter. The anniversary came to have added significance because just a week earlier Wisconsin suffered the loss of a promising daily newspaper, The Paper, published in Oshkosh—only 18 miles from Fond du Lac.

The sad closing of the Paper has made us keenly aware of the frailty of the daily newspaper as an institution vital to the flow of free information and free ideas. Achievement of a newspaper's 100th year is a benchmark worth noting, and it is a pleasure for me to again congratulate the Commonwealth Reporter on its continued, important work.

As part of my remarks I include the editorial entitled "100 Years of Comment," published in the August 20 edition of the Commonwealth Reporter.