dication of the manner in which the Court is approaching this great decision. It clearly suggests that once again the Justices are going to decide an issue of the most fundamental importance to our Republic, not on the basis of the actual words of the Constitution, nor according to the actual intent of elected lawmakers, nor according to the clearly expressed will of the people, but primarily, if not solely, on the basis of their own personal feelings about what kind of social engineering is best for other people's children.

I hope I am wrong about what their decision will be. But if this is what the Court does, I for one will not be content to wait for "better judicial appointments," as my colleagues from the South have patiently said. I will introduce, or join with others in introducing legislation to deprive the Federal courts of jurisdiction over any case involving the compulsory assignment of public school children to schools outside their own neighborhood.

THE LATE MRS. ROSE McCONNELL LONG

HON. SPEEDY O. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. LONG of Louisiana. Mr. Speaker, Louisiana, and indeed the Nation, lost one of its most illustrious daughters with the passing of Mrs. Rose McConnell Long. A former First Lady of Louisiana as wife of the late distinguished Governor and U.S. Senator Huey P. Long; as a Member of the Senate of the United States following the untimely death of her husband, and as mother of the dynamic and illustrious U.S. Senator RUSSELL B. LONG of Louisiana, the late Mrs. Long occupied a very special place in the minds and hearts of her fellow citizens, exhibiting a quiet strength and an indefatigable spirit through all the vicissitudes of a long and fruitful life. We recognize that her loss must be still more heavy to bear for Mrs. Long's children and her own family and friends, and our hearts go out in prayer to them. Still it is not enough to sorrow at the passing of this great lady of such supreme dignity, but we must also affirm that all the people of Louisiana share their heartache and personal loss, for we shall not soon discover another with such warm grace and quiet power dedicated to the service of mankind.

SENATE—*Thursday, November 19, 1970*

The Senate met at 10 a.m. and was called to order by Hon. EDWARD M. KENNEDY, a Senator from the State of Massachusetts.

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

Eternal Father, we would come before Thee with clean hands and pure hearts that fit us for Thy service. Cast out all that obstructs our knowledge of Thee and of Thy purposes for our Nation in this age. Help us here to perceive the needs of the hour and to strive earnestly in private office, in committee room, and public forum for the better world when each is mindful of the many and the many are concerned for the least of their brethren.

Grant to our national leaders purity of motives, soundness of judgment, the faith of their fathers, and to all our people fidelity, integrity, industry, and pure religion, that there may be concord within our borders and peace among the nations.

Through Him who is the Prince of Peace. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 19, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. EDWARD M. KENNEDY, a Senator from the State of Massachusetts, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, November 18, 1970, be dispensed with.

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

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent to limit statements to 3 minutes in relation to the transaction of routine morning business, at the conclusion of the remarks of the distinguished Senator from New York (Mr. GOODELL).

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order the distinguished Senator from New York (Mr. GOODELL) is now recognized for 20 minutes.

THE CAMPAIGN SPENDING BILL

Mr. GOODELL. Mr. President, on April 14, the Senate passed the Political Broadcasting Act of 1970 by a vote of more than two-thirds of the Members present.

On September 23, the Senate passed the conference report on the act, again by a vote of more than two-thirds of the Members present.

Next week, the bill will come before us again for reconsideration after the President's veto. If those who voted for it then, vote for it now, it will become law.

The bill should become law.

Since the Senate last acted on the bill, a nationwide political campaign has taken place—one that has confirmed the need for a legislative limitation on TV campaign spending in the most dramatic terms. The public has been gorged with a gargantuan diet of paid political advertising. The political television ad has taken on a life of its own, too often displacing the real issues and the real qualifications of the candidates. TV advertising budgets mount into millions and, as this occurs, the electoral process becomes a matter of money, not merit.

The vote to override the veto on this bill will be the first test for the Senate after the election. It will determine whether the Members of this body are prepared to stand up for what they think is right and already have declared to be right; or whether they will buckle under to political pressures.

To my Republican colleagues who voted for this bill and believe in it, I say: the country will carefully observe whether we stand on principle, or bend. By continuing to support the bill, we will protect the electoral process and, at the same time, vindicate the independence of the Senate. By abandoning our support, we will serve neither cause.

It is the President's prerogative to veto this or any other legislation passed by the Congress, and I respect his right to exercise this power of his office. A Presidential veto affords the Congress an opportunity to reassess a bill, in the light of the objections set forth by the President in his veto message.

However, I find no new substantive reasons in the President's message which convince me that the Congress should not enact this bill into law.

The President states in his veto message that a limitation of radio and television spending will discourage qualified persons from becoming candidates and favor incumbent officeholders. In fact, the reverse is true. Unless we pass this legislation, qualified individuals will continue to be discouraged from challenging incumbents unless they have or have ac-

cess to great wealth in order to finance prohibitively expensive campaigns. The bill encourages challengers to seek office by reducing the unit costs of television advertising, while at the same time imposing maximum limits that prevent clearly excessive TV advertising expenditures. Incumbents and challengers alike will be encouraged by the limitations in this bill to participate in substantive debates on the issues and to hold the attention of the public by the news they generate through their actual accomplishments and statements on the issues.

The President objects that the bill applies only to radio and television spending, and does not limit expenditures for other means of political advertising. This, he says, might cause a shift to other forms of advertising and increase the total amount of spending in political campaigns. The objection is not a valid one. Radio and television advertising may not be the only form of political advertising, but it is certainly the form that is the most used and has the most impact upon the public. True, a rich candidate might possibly seek to compensate for the bill's limits on his TV spending by disbursing still larger sums for newspaper and other forms of advertising. Conceivably, this might even add to his total budget for the campaign—but this spending would not have the devastating impact of a TV advertising blitz. It is to be remembered that the purpose of the bill is not to save rich candidates money, so much as it is to eliminate the wholly unfair advantage that the television medium gives to those candidates who have or have access to great wealth.

As a member of the Senate Commerce Committee's Subcommittee on Communications, which thoroughly considered this bill, I would acknowledge that this legislation is only a first step in a necessary overall reform of our campaign spending laws. It is not a valid objection to say, as the President does, that the bill is not a complete solution to the problem of campaign spending—for it was never intended to be one.

If we are looking for perfection in every bill we pass, we will never pass any legislation. Certainly that is true in the complex field of campaign spending.

I have long been concerned with the issue of campaign spending, and am the coauthor of the Ashmore-Goodell Election Reform Act—a model statute to reform our outmoded laws on campaign financing. In the recent election, moreover, I certainly have had firsthand experience with the problem. Many other Senators in this Chamber have had experience with it. For those Senators who have had the experience of running against one millionaire, Senators should try the experience of running against two millionaires coming at you from different directions.

This is a very serious problem and goes far beyond the particular experience of this junior Senator from New York. Each Senator, if he has not already faced it, will face it across this country in his own State in the future, unless we act now.

The issue here goes far beyond the 1970 or the 1972 elections. It goes beyond the question of which party has the most funds in its campaign coffers. What is at stake is the integrity of the electoral process itself.

Sixteen of my Republican colleagues—and myself, a total of 17—voted for this bill the last time it came before the Senate. Because of the President's veto and because of the events of recent weeks, the pressures upon them to withdraw their support of the bill are strong, indeed. Their position is far more difficult than it is for the Democratic Members of the Senate. They can vote on a party line, if they wish, for this legislation without significant pressure being placed upon them.

Under our system we have a healthy division of power. There is not a Tyrannus Nix dwelling in the White House. He would not want to be regarded as such. The President has spoken forcefully about his objections to this legislation. He has stated those objections. We should respect those objections, analyze them carefully, and then move independently on the basis of conscience and not on the basis of whatever political considerations there might be because the President of the United States is a Republican.

I call upon my Republican colleagues to resist these pressures and to vote their convictions. I call upon them to vote to override the veto of this bill.

There is one other factor which was not mentioned in the Presidential veto message, but is widely rumored as a major consideration in the President's mind in vetoing the legislation. That is the fact that this bill would open the opportunity for debates by presidential candidates on the networks in 1972.

I say to my colleagues that if the President of the United States chooses not to debate, he can say so. He will be respected by the people of this country. He does not have to hide behind a law that makes it infeasible and impracticable to have a debate with minor candidates that demand equal time.

I think a debate by presidential candidates should be made practical by law. It would then be a matter for the candidates themselves to determine whether they will debate, what they will debate, and in what format.

The President chose not to mention this feature of the bill. Having not mentioned it, I believe it is our prerogative to ignore this feature.

The President's objections to the bill, I think, are invalid. I am sure they are sincere, but those of us who have been through the fires of a campaign this last year can testify as witnesses as to how serious this situation is in our country and how it imperils our whole electoral process.

The electronic media is entirely different in its impact upon campaigns than is any other media. It goes right into the living rooms of millions of people. It is extremely expensive. It can be employed only by those who are millionaires in their own right or who have access to millions and millions of dollars. That in itself is dangerous because a poor candidate finds himself indebted to others who have contributed to his campaign in significant amounts. This presents each candidate with an ethical problem with which he must deal with the greatest of care and sensitivity.

In the chaos of a campaign in which money is unavailable until the 11th hour, a candidate faces the possibility of being blacked out entirely on the media if he does not have the money. Mistakes can be made by staff members and fund raisers who are all highly ethically motivated. But they have to make decisions in the heat of a campaign and the crisis that presents itself.

This legislation is extremely important to this country. This body, the U.S. Senate, should vote to override the President's veto. The legislation is not perfect, but it can be improved in the years ahead. It will be a major improvement for this country if we have this kind of protection written into law. It will provide for a far more enlightened contest in the 1972 campaign. We must act, not in defiance, not with hostility toward the President, but simply conscientiously, on the basis of the merits of this legislation.

I particularly call upon my Republican colleagues to adhere to this high standard as they face this issue on the vote next week. I call upon them to vote their convictions and to override the veto of this bill.

S. 4515—INTRODUCTION OF A BILL TO ALLOW CONTINUANCE OF THE LOG EXPORT RESTRICTION

Mr. PACKWOOD. Mr. President, the National Home Building Association has predicted we will have 1.6 million housing starts in 1971, and that the increase over the 1.45 million this year will require at least 1½ billion feet of additional lumber and plywood. In fact, in the November 1970 issue of the NAHB Journal of Homebuilding, Dr. Michael Sumichrast in his Economic News Notes predicts the "best housing year in 20 years is possible in 1971."

Yesterday's Washington Post reported that only this week, despite a further decline in industrial production for the month of October, new housing starts offered a ray of hope to an unsteady economy. The annual rate of new starts rose from 1,504,000 units in September to 1,550,000 in October. Building permits, which represent a sign of future construction, climbed even more sharply. They increased from a rate of 1,371,000 units in September to 1,514,000 in October.

However, housing units so desperately needed by this Nation cannot be constructed if we do not have available adequate building materials. Heading this

list is softwood lumber which must come from our Nation's forests and woodlands. My home State of Oregon is unique. It has one of every five trees in a nation which is allowing its fast depleting supply of trees to be cut with such swiftness that there is every indication that it is only a matter of time before the demand will exceed the available supply.

That is what concerns me most—will we have adequate supplies of softwood timber to meet present and future housing construction needs? The Housing Act of 1949 established some worthwhile housing goals that have been reiterated every year since. Today, I am introducing legislation which will remove one of the stumbling blocks in our path as we pursue the goal of providing adequate housing for all our citizens. I am pleased that my respected colleagues on the Banking and Currency Committee have joined me in cosponsorship of this significant legislation. Those cosponsors include: Chairman, JOHN SPARKMAN, ranking minority member, WALLACE BENNETT, Senators PROXMIRE, HARRISON WILLIAMS, MUSKIE, HOLLINGS, HUGHES, CRANSTON, TOWER, GOODELL, PERCY, BROOKE, and MCINTYRE.

In March 1969, amid growing concern about our housing shortages, the Senate Housing Subcommittee had to turn its attention to lumber prices which were skyrocketing. Hearings held by that subcommittee made an indelible impression upon the minds of its members as to the extent high lumber prices and short lumber supplies could sabotage our commitment to meet our housing needs.

The bill I am introducing will allow continuance of the log export restriction to 350 million board feet of unprocessed timber from Federal lands located west of the 100th meridian. In 1968, my predecessor, Senator Morse, was successful in having this restriction made a part of the Foreign Assistance Act of that year. Under his amendment, this restriction will expire at the end of 1971. My bill will merely continue that restriction until 1976, when Congress will have an opportunity to review the situation under prevalent housing needs and lumber supplies and prices. Senator Morse's amendment was cosponsored by Senators HATFIELD, MANSFIELD, METCALF, JORDAN of Idaho, CHURCH, and Moss and went through the Senate without a voice being raised in opposition.

Since the Morse amendment was enacted, our housing needs have not lessened, nor have our timber supplies increased. Commenting on the report of the Task Force on Softwood Lumber and Plywood which warned us of the lumber demands that will be made if we are to meet our housing goal, the President of the United States in a statement of June 19, 1970, said:

> The Task Force reports that a substantial increase in the supply of softwood timber products will be needed to meet the Nation's growing requirements, especially in order to attain our goal of providing adequate housing for all of our people by the end of this decade.
>
> It stresses also that this increase in supply can and must be achieved in a manner consistent with the preservation and enhancement of the quality of our environment. I fully endorse these findings.
>
> The Task Force has recommended that a panel of outstanding citizens be invited to study the entire range of problems involved in ensuring the achievement of our housing goals is not constrained by an inadequate supply of softwood and plywood, while fully protecting and enhancing the quality of our environment. I concur in the need for such a panel, and hereby direct that the necessary steps be taken to select its members, who should be persons of outstanding ability and broad experience, with no ties or commitments that might prejudice objective judgment.

From the memorandum for the Cabinet Committee on Economic Policy accompanying the President's statement, I quote:

> In developing its findings and recommendations, the Task Force has assumed that achievement of the established housing goals for the coming decade is high on the list of national priorities . . . at the same time, it bore in mind the need to ensure that programs to increase the Nation's supply of timber be compatible with the preservation of the quality of the Nation's environment.

That memorandum sounded a needed warning to us concerning the softwood timber supply and demand in meeting our housing crisis while at the same time protecting our country's natural resources.

With our increasing population, we are now living in an age of American history when adequate housing for all citizens is a national goal not being met. Yet, it is also obvious we have fewer and fewer acres to set aside for recreation and wilderness to be enjoyed by all. We have a commitment to meet in providing a quality environment—one that does not slight either our housing or our conservation needs—for all Americans. The need to restrict lumber exports from our Federal lands is one of the few areas of agreement between the lumber industry, the conservationists, and the homebuilders, not to mention the home buyer.

While the current restriction is not due to expire until the end of 1971, it is important for those in the lumber business and the homebuilders to have some assurance of what the future may hold on this question and to be able to plan accordingly.

Mr. President, at this point I ask unanimous consent to have printed in the RECORD the text of my bill, as well as articles bearing upon this subject from the October 1970 issue of National Timber Industry; the September 1970 issue of National Timber Industry; the Oregon Statesman by A. Robert Smith; and the NAHB Journal of Homebuilding for November, 1970.

The ACTING PRESIDENT pro tempore (Mr. KENNEDY). The bill will be received and appropriately referred; and, without objection, the bill and the articles will be printed in the RECORD.

The bill (S. 4515) to insure adequate supplies of timber for housing construction in furtherance of the national housing goal established in the Housing Act of 1949, introduced by Mr. PACKWOOD, for himself and other Senators, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 4515

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(a) of the Act of April 12, 1926, as amended (16 U.S.C. 617(a)), is amended by striking out "1971" and inserting in lieu thereof "1976".

The articles presented by Mr. PACKWOOD are as follows:

LOG EXPORTS SOAR WITH U.S. HOUSING SEEN SPRING VICTIM

PORTLAND, OREG.—West Coast log exports rose again in July, this time to 259.2 million board feet, the Pacific Northwest Forest & Range Experiment station reported.

This compared with 252.2 million feet in June and with 184.4 million feet in July, of 1969.

More than 95% of the exports go to Japan.

The rising level of exports poses a serious threat to the anticipated recovery of the American housing market, Bronson J. Lewis, executive vice president of the American Plywood Assn., warned.

He noted the increasing pace makes extension of the "Morse Amendment" even more imperative. The amendment limits export of raw logs from federal lands, in the West, to 250 million board feet annually. It does not affect export of logs grown on private lands. Unless extended, it will expire at the end of 1971. Lewis blamed the exports for inflated stumpage price during a time of slow domestic markets.

For the first seven months of 1970, log exports were 1,429 million board feet against 1,212 million for the same part of '69.

These figures compare with exports of 2,232 million for all of 1968 and 1,654 million for all of '67. As recently as 1962, however, the total West Coast log export was only 350 million board feet.

Value of July log exports was $32.2 million—or an average of $114.26M for Douglas fir, $325.80 for Port Orford cedar and $124.25 for "other softwoods."

Congressman John Dellenback (Rep.-Oreg.) has introduced a bill to continue the Morse limitation indefinitely.

LOG EXPORTS GLIDE ABOVE 1969 LEVELS BUT ACTION UNTAKEN

PORTLAND, OREG.—West Coast log exports for August 1970 were 210,385M board feet—up from 199,169M in August 1969. The August 70 figure was, however, down from the 259.2 million feet exported in July.

About 95% of the exports go to Japan.

For the first eight months of 1970, total log exports from the West Coast were 1,645.3 million feet compared with 1,411.2 million feet for the same two-thirds of 1969. The increase thus is 233½ million board feet.

Of the August 1970 exports, 127,228M originated in the Washington customs district, 63,743M in the Oregon district, 10,269M in the San Francisco district and 9145M in Alaska.

Of the total 210,385 of logs exported in August, 202,078M were destined for Japan, including the entire volume originating in California. Other origins: Washington, 123,090M, Oregon, 61,922M and Alaska, 679M.

Average value of all logs exported in August was $118.70M. By species this included $120.22M for Douglas fir, $248.64 for Port Orford cedar and $114.52 for other softwoods.

This represented a sharp rise from the July value of $114.26M for Douglas fir, but drops from $325.800 for cedar and $124.25 for the whitewoods.

Congressman John Dellenback (Rep.-Ore.) apparently now feels any extensions of log export limitations will have to come in the 1971 Congress. The law ("Morse amendment") which limits export of raw logs from federal lands in the West to 350 million board feet annually, is scheduled to expire at the end of 1971.

SAY SAYONARA TO U.S. HOUSING AND JOBS

The U.S. cannot afford to tolerate the current renewed increases in log exports to Japan!

Not only do these raw material exports destroy the jobs of American workmen but, henceforth, the U.S. will need the wood at home.

West Coast log exports spurted to 259.2 million feet in July, following an extremely high 247.3-million foot June.

The June-July level would mean an annual log export rate of more than three billion board feet per year.

This is clearly intolerable!

The old record high was about 2.2 billion feet exported in '68. The federal government then finally acted to limit export of logs from federal lands.

But, public OR private, the American people need the wood for shelter.

The president of the National Association of Home Builders recently predicted we may have 1.6 million housing starts in '71, compared with perhaps 1.45 million this year. That increase would require fully 1½ billion feet of additional lumber and plywood!

The preservationists insist we should be cutting from a much smaller forest base—if we cut at all! If we are to limit the number of trees we cut, perhaps the wood produced should serve the needs of Americans before those of Japanese.

Three billion board feet is roughly one-ninth to one-eighth of the annual sawlog production of the United States, and export is of the highest quality. Second grade material is left for the American mills after Japanese buyers have creamed the log rafts.

Three billion board feet of logs represents more than half of the enormous lumber imports which the U.S. must buy from Canada each year.

Meanwhile, Japanese buying pressure lights fires under U.S. stumpage prices, in turn raising the cost of housing to the American people and helping to price wood out of some markets. Through it all, the American family must wait for adequate housing while the Japanese are housed first.

The time has come to say Sayonara to this system!

LUMBER COST HIKE IS FEARED

(By A. Robert Smith)

WASHINGTON.—The Nixon administration has neglected to take measures to avoid another lumber shortage and price spiral when housing begins to boom, according to Rep. Wendell Wyatt, R-Ore.

"I'm fearful that we are going to be back in a high price lumber crunch next spring," declared Congressman Wyatt. "And I don't think the administration has done anything at all about it."

Wyatt recalled that in 1969, when lumber prices skyrocketed and home building was booming, there was a lot of talk from the administration about increasing timber supplies through more intensive management of forests. Then interest rates went up, home construction slumped and so did lumber prices, and little has happened since to change the basic conditions that prevailed in 1969.

Wyatt said he has been urging a 10-year federal reforestation program on the national forests and the O&C forestlands of western Oregon.

"We should be planting every acre of land not already under reforestation, and that would increase the allowable cut significantly," Wyatt maintained.

He would also like to see the administration offer a program of incentives to private landowners to undertake intensive reforestation, such as tax writeoffs of the cost of tree planting in the year that it is done. Other means might include furnishing seedlings at cost or less, he suggested.

Nothing of this sort has happened or appears to be in the works.

Last June President Nixon released the findings of a cabinet task force on lumber and plywood and directed the federal forestry agencies to "formulate plans to improve the level and quality of management of forest lands . . . to permit increased harvest of softwood timber consistent with sustained yield, environmental quality and multiple use objectives."

The Forest Service, following up on Nixon's order, reportedly requested supplemental appropriations for this fiscal year. No one will say how much was requested—but the amount was axed somewhere up the line of authority.

Hence in mid-September, when Nixon asked Congress for supplemental funds totaling $366 million, the Forest Service request was omitted. Included in that presidential request was $300,000 for a bus system in Yosemite National Park to reduce auto traffic congestion, $500,000 for more fire protection by Bureau of Land Management in Alaska, and $1,270,000 to study an alternate site for a new jet airport in Florida that won't impair Everglades National Park.

Federal agencies are receiving the bad news that they must hold down spending to current levels or make cutbacks because of an expected federal deficit. Reportedly the forestry agencies are receiving no preferential treatment, which indicates there is no administration plan to implement intensive forest management—building more timber access roads, increasing reforestation, thinnings and salvage operations—because the president doesn't think it is important enough to spend the necessary funds.

BEST HOUSING YEAR IN 20 YEARS POSSIBLE IN 1971

NAHB's Metropolitan forecasters see continuing improvement in housing starts for the remainder of the year, and see 1971 as possibly the most productive in 20 years.

The forecasters optimism was bolstered by a continuation of record flows of savings into savings and loan associations, some easing in interest rates, and aggressive growth in money supply.

For the second consecutive quarter, the NAHB Metropolitan Housing Forecast Index turned up. It had shown signs of leveling in the first quarter when it declined only slightly to 79.5 points from 80.5 in December. In the second quarter the index rose to 82.5, and the latest forecast put the index at 90 (index, 1962-1963=100).

The forecasters now expect housing starts to be about 1.45 million units this year. They see the rise as concentrated mainly in single family units. The multifamily sector still appears somewhat sluggish.

Looking ahead, the forecasters anticipate a substantial increase in housing starts in 1971—between 150,000 to 200,000 units. Whether these expectations will be realized depends to some extent on mortgage interest rates. An easing undoubtedly would increase prospects for a healthy production rise.

Other economists share in the optimistic view taken by NAHB's forecasters. James J. O'Leary, executive vice president and economist of the United States Trust Co. of New York, expects 1.7 million housing starts in 1971.

Townsend-Greenspan & Co. predicts 1.6 million starts. With substantial gains in government programs, the best housing year in two decades is likely.

In the past 20 years housing starts crossed the 1.6 million mark only twice: in 1955, with 1,646,000 units, and in 1963, with 1,642,000. The record was reached in 1950 when 1,952,000 units were started.

S & L INFLOW AT RECORD RATE

The flow of funds into lending institutions such as commercial banks, mutual savings banks, and savings and loan associations continued to improve. The savings rate (savings as a percentage of disposable income) has been improving steadily since it reached a low of 5.3% in the first two quarters of 1969.

The first quarterly saving rate increased to 6.6% from 6.4% in the last quarter of 1969. It increased again in the second quarter to 7.5%—one of the highest quarterly rates in many years.

For savings and loans, the inflow represented an all-time record for the July–August–September quarter—$2.397 billion. Only a year ago S&Ls were confronted by a rapid decline in savings.

The commercial savings picture now is exactly the opposite of what it was a year ago. For the first nine months of 1969 banks were in a minus $6 billion position. This year, for the same period, they are in plus position with $22.8 billion in net savings.

Mutual savings banks' recovery has been somewhat slower. For the first nine months of 1970 they are 21% ahead of last year, with some $2.44 billion net savings compared to $2 billion last year.

Life insurance companies are still down about 30% compared to last year.

MONEY MARKETS SHOW IMPROVEMENT

The seasonally adjusted annual rate of money supply (currency and demand deposits) continued to increase. On a six-month basis the annual rate of increase was 4.8%, or just about what the Federal Reserve Board has suggested as a reasonable target.

By adding to this narrow definition of money supply the time deposits (including large CDs), the increase is at an annual rate of 11% for the six-month period. Excluding large CDs, the annual rate of increase is 9.9%.

In the mortgage markets there have been indications of a leveling in the effective interest rates. This was first apparent in a softening in fees, discounts and the like. These "penalties," charged in addition to contract interest rates, have been declining in the past seven months.

In addition, there is evidence of less disposition on the part of lenders to insist upon equity "kickers" in contractual agreements with builders or investors.

HOUSING INVENTORY RISES BY 15 PERCENT

Importance of statistics being developed from the 1970 Census has been stressed by Dr. Nathaniel H. Rogg, NAHB executive vice president, in major addresses at the NAHB Fall Meeting in Boston, and at the International Apartment Conference in Washington.

The Bureau of the Census has released housing inventory figures for 45 states. The following table compares the 1960 and 1970 inventory figures for these states. For the 45 states, there was an increase of 15% to 50,917,418 units from 44,269,748 units.

HOUSING INVENTORY BY STATES

	1960	1970	Difference 1960–70	Percent change
Alabama	967,466	1,111,133	143,667	14.9
Alaska	67,193	89,981	22,788	33.9
Arizona	415,834	608,600	192,766	+46.4
Arkansas	586,552	671,398	84,846	14.5
Connecticut	818,544	983,817	165,273	+20.2
Delaware	143,725	180,904	37,179	25.9
Florida	1,776,961	2,547,299	770,339	43.2
Hawaii	165,506	214,228	48,715	29.4
Idaho	223,543	245,178	21,635	9.7
Illinois	3,275,800	3,701,400	425,600	13.0
Indiana	1,503,148	1,737,423	234,275	15.6
Iowa	905,295	962,142	56,847	+6.3
Kentucky	925,572	1,054,728	129,156	+14.0
Maine	364,617	390,659	26,042	7.1
Maryland	934,552	1,246,502	311,950	33.4
Massachusetts	1,690,998	1,913,146	222,148	13.1
Michigan	2,548,792	2,966,372	417,580	16.4
Minnesota	1,119,271	1,274,294	155,023	13.9
Mississippi	628,445	688,554	60,109	9.6
Missouri	628,945	688,554	59,609	9.6
Montana	233,310	246,747	13,437	5.8
Nebraska	472,950	511,285	38,335	8.1
Nevada	101,623	172,869	71,246	70.1
New Hampshire	224,440	280,857	56,435	25.1
New Mexico	281,426	326,459	44,983	16.0
North Carolina	1,322,957	1,620,396	297,439	22.5
North Dakota	194,597	212,048	17,451	9.0
Ohio	3,041,151	3,473,864	432,713	14.2
Oklahoma	815,685	934,863	119,178	14.6
Oregon	622,853	746,860	124,007	+19.9
Pennsylvania	3,581,900	3,936,600	354,700	9.9
Rhode Island	286,757	318,502	31,745	11.1
South Carolina	678,379	806,009	127,630	18.8
South Dakota	216,449	226,057	9,608	4.4
Texas	3,153,127	3,818,099	659,972	20.9
Utah	262,670	318,866	56,196	21.4
Vermont	136,307	166,462	30,155	22.1
Washington	1,009,519	1,221,817	212,248	+21.0
West Virginia	574,357	589,569	15,212	2.7
Wisconsin	1,288,620	1,425,772	137,152	10.6
Wyoming	113,096	166,862	3,766	3.3
Total 45 States	44,269,748	50,917,418	6,647,670	15.02

Source: 1970 Census of Housing-Preliminary.

MULTIFAMILY SHARE NOW AT 44.5 PERCENT

Since 1960 the multi-family share of housing starts has been increasing steadily. In 1960, its share was 20.6%. This has increased every year, with the exception of a slight drop in the mid-1960s, to an estimated 4.5% in 1970. See the following table for details of this mix.

MULTIFAMILY SHARE OF HOUSING MARKET THOUSANDS OF PRIVATE HOUSING STARTS 1900–70

Year	Single family	Multi-family	Percent multi-family	Year	Single family	Multi-family	Percent multi-family	Year	Single family	Multi-family	Percent multi-family	Year	Single family	Multi-family	Percent multi-family
1900	133	66	34.9	1918	91	27	22.9	1936	239	66	21.6	1954	1,398	134	8.7
1901	177	98	35.6	1919	239	76	31.8	1937	266	66	19.9	1955	1,499	128	7.9
1902	171	69	28.8	1920	202	45	18.2	1938	316	83	20.1	1956	1,204	121	9.1
1903	175	78	30.8	1921	316	133	29.6	1939	373	85	18.6	1957	1,012	163	13.9
1904	207	108	34.3	1922	437	279	39.0	1940	448	82	15.5	1958	1,091	223	17.0
1905	336	171	33.7	1923	513	358	41.1	1941	533	86	13.9	1959	1,234	283	18.6
1906	316	171	35.1	1924	534	359	40.2	1942	252	39	13.4	1960	995	257	20.6
1907	291	141	32.6	1925	573	365	28.9	1943	136	47	25.7	1961	975	339	25.8
1908	286	130	31.3	1926	491	358	42.2	1944	115	24	17.3	1962	992	471	32.2
1909	328	164	33.3	1927	454	358	44.1	1945	290	35	10.8	1963	1,021	590	36.6
1910	251	136	35.1	1928	436	317	42.1	1946	937	78	7.7	1964	972	558	36.5
1911	249	146	37.0	1929	316	193	37.9	1947	1,152	113	8.9	1965	964	509	34.6
1912	258	168	39.4	1930	227	103	31.2	1948	1,183	161	12.0	1966	779	387	33.2
1913	264	157	32.3	1931	187	67	26.4	1949	1,231	209	14.6	1967	844	448	34.7
1914	263	158	37.5	1932	118	16	11.9	1950	1,692	216	11.3	1968	890	608	40.5
1915	262	171	39.5	1933	76	17	18.3	1951	1,283	137	9.6	1969	810	654	44.5
1916	267	170	38.9	1934	109	17	13.5	1952	1,307	139	9.6	1970	830	620	43.0
1917	166	74	30.1	1935	182	34	15.7	1953	1,256	146	10.4				

Source: 1900–1944, U.S. Bureau of the Census, Housing Construction Statistics: 1889–1964. 1945–1958, National Association of Home Builders Economics Department estimate. 1959–69, Bureau of the Census, series C–20, Housing Starts. 1970, NAHB Economics Department estimate.

SINGLE, MULTIPLE STARTS BOTH CLIMB; RATE EXCEEDS 1.5 MILLION

The rise in the seasonally adjusted rate and continued strength in building permits indicate more zest in the housing pick-up. The starts rate should continue to rise slowly through the remainder of the year to a 1.6 or 1.7 million rate.

Optimism based on permits issued in August was borne out by a 6.5% increase in the seasonally adjusted annual rate of housing starts during September. True to expectations, the rate rose from a revised August figure of 1,412,000 to 1,504,000 units.

Multiple and single starts were up an identical percentage—from an August figure of 582,000 to 620,000 for multis, and 830,000 to 884,000 for singles. Only the North Central region failed to share in the gain, falling 9.5% from the August rate of 295,000. The Northeast rose by 11.8% to 199,000; the South, 4.9% to 669,000; and the West boomed 22.6% to 369,000 units.

While actual starts remained down 10.2% from the same nine-month period in 1969 (1,043,000 vs. 1,164,700), this was an improvement over August when actual starts were off 11.4% for the period, Singles were down 7.5%; multiples, 14.1%. Multiples currently represent 42.8% of this year's total.

The seasonally adjusted rate of permits rose for the second consecutive month in September. The September increase was 3.2% to 1,368,000; August's rate had increased 5.3% over July.

	Oct. 15, 1969		Sept. 10, 1970		Oct. 9, 1970	
	Bid	Ask	Bid	Ask	Bid	Ask
Company building:						
Dev. Corp. America	12¼	13¼	12½	13	15¾	15¼
Edwards Eng	1	1½	¾	1¼	¾	1¼
Edwards Inds	11½	12¼	7½	8¼	7¼	8⅛
First Natl. Rlty.[1]	5⅞	6	2⅜	2⅝	2⅛	2⅝
Frouge	3¾	4½	1⅜	1¾	1⅞	2⅜
General builders[1]	9⅞	10	5⅞	6⅛	5⅛	6
Key Co.[1]	10	10⅛	6⅞	36½	6½	7
Kaufman & Broad[1]	44¼	44½	37	37½	38¼	38¾
Pacific Cst. Prop.[1]	5⅞	6	2¾	3	2⅞	3⅛
U.S. Home & Dev.[1]	31	31⅜	27	27⅜	32½	33
Del E. Webb[1]	17⅞	18⅛	8⅞	9¼	8⅞	9¼
S & LS:						
American Fin	34	34¾	14¼	14½	17¾	18⅛
Calif. Fin.[1]	11⅛	11¼	8⅞	9¼	8	8⅜
Empire Fin.[1]	30½	30¾	12⅜	13¼	12⅛	13
Far West Fin.[1]	18½	18⅝	13⅞	14¼	12¾	13⅞
Fin. Fed.[1]	25½	25⅞	14½	14¾	15	15⅝
First Charter Fin.[1]	48	48¼	42	42⅜	41⅛	41⅝
First Fin. Corp. West	9½	11	12	13½	12	13
First Lincoln Fin	8¾	9¼	5	5½	5⅜	5¾
First Surety	8⅝	9⅛	4⅝	5	4½	5
First Western Fin	5⅛	5⅜	3¾	4¼	3⅛	3⅜
Gibraltar Fin.[1]	35½	35¼	19½	19¾	19⅞	20⅛
Great Western United[1]	27¼	27¾	21¾	22	22½	23
Hawthorne Fin	12¼	13	10¼	11	10¼	10¾
Imperial Corp. of Amer.[1]	15¾	16	12	12¼	10½	11
LFC Fin. Corp.[1]	14⅞	15	6¼	6½	5⅞	6⅛
Midwestern Fin.[1]	10⅛	10¼	15½	15¾	15⅞	16⅛
Trans-Cst. Inv	5½	5⅞	4⅝	5⅛	4½	5
Trans World Fin.[1]	13½	13⅞	9	9¼	9	9½
Union Fin.[1]	13¼	13⅝	8½	8¾	8½	8¾
United Fin. of Calif.[1]	17¾	18	8¾	9	8½	8⅞
Wesco Fin.[1]	30½	30¾	19⅛	19⅜	18	18½
Real estate investment trusts:						
American	10¼	10⅝	(2)	(2)		
First Mig. Inv	21¼	21¾	7½	8¼	10	10¼
U.S. Rlty	22¼	22½	(2)	(2)		
Commonwealth	5	5½	6¼	7	6¼	7
First General Resources	26¼	27¼	7½	8¼	6½	7½

Footnotes at end of table.

	Oct. 15, 1969		Sept. 10, 1970		Oct. 9, 1970	
	Bid	Ask	Bid	Ask	Bid	Ask
Real estate investment trusts—Continued						
Franklin	10⅛	10¾	¾	1⅛		
Kavanau [1]	13¼	13½	6	6¼	8½	8⅞
Pennsylvania	12	12½	(2)	(2)		
Washington	11¼	11⅝	9	9½	9⅛	9½
Shell and precut homes:						
Albee Homes	9	9½	2¼	2¾	3	3½
Modrn. Diversified Ind. Kans	4¼	4⅝	(2)	(2)	6	
U.S. Finance, Cal	41⅛	42½	18¼	19	28⅛	28¾
Nationwide Homes	8⅝	9¼	6½	7	6¾	7¼
Jim Walter [1]	35¾	36	28	28¼	31½	32
Mortgage banking:						
Advance	14½	15¾	(2)	(2)		
Associated Mtg. Cos	17	18½	(2)	(2)		
Charter Co. Fla. Com	32	33½	12⅞	13⅜	11⅜	11⅞
Colwell Mortgage	20¼	21¼	17½	18	17¼	18
Cont. Mtg. Inv. [1]	39½	39⅞	15⅞	16¼	16⅛	16⅝
Fed Natl. Mtg. Assoc. [1]	190	193	54	54½	54¾	55
First Mtg. Inv. [1]	21¼	21½	22⅛	22⅝	21⅝	22¼
Lomas Nettleton			9⅛	9¼	10¼	10⅝
Palomar	7⅞	8⅜	6½	7	6	6½
Universal Investors Trust	4¼	4⅝	2⅛	2⅝	2½	3
Realty investment:						
DISC Inc	6½	6⅞	3⅞	4½	3⅝	4
Gt. Amer. Rlty	1¾	2¼	1	1⅝	¾	1⅛
Coliseum Props. Inc. A			⅝	⅞	½	⅞
Income Rlty shares			9¼	10	9	10
Presidential Rlty. [1] A	14¼	14¾	9	9¼	9	9⅜
Presidential Rlty. [1] B			9	9¼	9	9¼
Rlty. Income Trust [1]	14¾	15	11⅜	11⅞	12	12¼
Prefabrication:						
Admiral Homes	¾	⅝	¾	⅝		
Gil Dev. Corp	1	1	2	2½	2⅝	3
Hodgson Houses	8¼	9¼	3¾	4½	5½	6½
National Homes	25	26	15¼	16	16¾	17½
Seholz Homes	20	20½	(2)	(2)		
Steel Crest Homes	⅜	¾	(2)	(2)		
Swift Industries	4⅛	5¼	3	3½	3⅝	4⅛
Land development:						
All-State Props	1⅝	2	½	¾	⅝	
American Land	⅞	1⅛	¼	½	⅜	⅞
Arvida	16¼	16¾	8½	8⅞	8⅞	9½
Atlantic Imp	19	20½	(2)	(2)	17	17¼
Canaveral Intl. [1]	11½	11¾	6¼	6¾	5⅞	6½
Christiana O. Corp. [1]	15	15½	8¾	9	9⅛	10⅛
Cousins Props	30	30¾	27¾	28¼	29¾	30¾
Crawford	26¾	27½	18	17	14½	15¼
Deltona Corp. [1]	71	71½	22¼	22¾	25½	26
FPA. Co	17¾	18⅝	7⅝	8	9¼	10
Forest City Ent. [1]	27¼	27½	14¼	14½	15⅝	16¼
Gen. Devel. [1]	34¼	34⅝	21	21½	21⅞	22⅛
Gulf States Land [1]			2⅞	3⅛	3	3½
Holly Corp. [1]	3½	3⅞	1¾	2	2	2¼
Horizon Corp	61	62	24¼	24¾	31	32¼
Major Rlty	11⅞	12¾	8½	7	5¼	5⅝
So. Rlty. & Util. [1]	7	7⅛	5½	5¾	4⅜	4⅞

[1] Listed on N.Y. Stock Exchange or American Stock Exchange.
[2] Not reporting.

Note: OW offer wanted.

Source: Bache & Co., Inc., Washington, D.C.

Courtesy: Dan V. Bovey, Registered Representative. This information has been compiled from sources which we believe to be reliable. It does not necessarily represent prices of actual transactions and does not constitute an offer by Bache & Co., Incorporated, to buy or sell any of these securities. Bache & Co., Incorporated, does not necessarily act as a dealer with respect to any of these securities and has supplied this information as a service to the readers of this magazine at the request of its publisher.

Mr. PACKWOOD. Mr. President, I want to make it very clear that this legislation should not be confused with any upcoming problems we are going to have on the floor of the Senate concerning the trade policies of this Nation. When we deal with the soft wood supply timber in this Nation, we are dealing with a limited commodity.

The principal problem is that we do not have enough timber in this country to take care of conservation and the needs of the construction industry of this country, including the export of lumber to Japan and principally in the foreign markets.

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

Mr. PACKWOOD. Mr. President, I ask unanimous consent that I be permitted to continue for 1 additional minute.

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

Mr. PACKWOOD. Mr. President, the bill I have introduced to limit the export of lumber is not to be construed as a limitation upon the right of free trade or any imposition of an artificial trade barrier.

Mr. President, I am simply saying we do not have enough of a precious raw commodity to go around and under those circumstances I think the United States must look to its conservation, to its home building needs first, and only when it has supplied those needs can it be in a position to supply overseas markets.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business?

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. PACKWOOD. 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.

A REAL PRIORITY

Mr. PACKWOOD. Mr. President, Congress has a busy schedule during the coming weeks; much work is yet to be done before the 91st Congress can finally adjourn. But in the heat of debate and the pressure of action, we must never forget that there are still some 1,400 American men who depend on us to help win their freedom from the bondage of North Vietnam prisons.

Many of these men have been prisoners for more than 4 years now. Some have been held for as long as 5 years. They are condemned to a life that lacks even the minimum necessities of existence. They are not fed an adequate diet. They do not receive proper medical attention. They are not allowed privacy. They are not permitted to communicate even on a catch-as-catch-can basis with their families. Many of them have not been officially reported as prisoners of war.

It is up to us, as elected officials of this Government and also as private citizens, to do whatever we can at all times to attempt to ease the lot of these Americans and their brave families who wait for them at home. This must ever be a matter of top priority for every Member of the Senate as it must be for every American.

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

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

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Withopt objection, it is so ordered.

AID TO EAST PAKISTAN

Mr. McGOVERN. Mr. President, Members of the Senate know the people of East Pakistan have been struck by what may very well be one of the worst, if not the worst, catastrophes in modern history, indeed in the entire history of the world, with the possibility that the death toll from that catastrophe may rise to half a million people or more.

Because of the inaccessibility of the area, no one really knows how many people have perished, how many more are endangered by the epidemic of disease that is already underway, and the additional problems of feeding the devastated area. But one thing is becoming clear—that a critical factor in the relief operations is the desperate need for suitable transport; and in this situation helicopters seem to be about the only means of transport that is available.

It occurred to me, in reading the news reports this morning on this matter, that the United States is in a unique position to respond to this situation. If I may have the indulgence of the Senate for just a moment, I should like to read two paragraphs from pertinent news reports appearing in this morning's Washington Post and New York Times that underscore the need for helicopters in this area. First, the New York Times acount, and I read the pertinent parts of the article:

It is only 100 miles from Dacca to the center of the disaster area in the Ganges Delta, where, according to some estimates, half a million or more people have perished. However, the area is virtually inaccessible by road, and, with only one helicopter available in East Pakistan, very few air drops have been made.

The same point is made in today's Washington Post article, and I read as follows:

Two small American helicopters are arriving from Nepal but they are Bell 476s, limited to a 600-pound load. Four more U.S. helicopters are being sent in crates from Fort Bragg, N.C., but they will take 19 hours to

assemble and cannot be operational before Sunday.

The sick and starving islanders could be just so many more figures on the death toll by that time, relief workers fear.

It is clear not only that there is a desperate need for helicopter support in this area as supplies are being moved in and the dead, wounded, and starving are being evacuated, but also that the United States may be in a very unique, and almost incredible, position to respond to this situation, in that we have large numbers of helicopters already in the Asian area, in South Vietnam.

It would be my hope that any helicopters that can possibly be spared from the defense of our forces now involved in the war in South Vietnam could be immediately transferred to this disaster area. What we would have demonstrated there is the use of an instrument of death being converted to an instrument of life.

So I have sent that suggestion this morning, in a letter already delivered to the White House, to the President, commending him on the action already taken, but urging that we take advantage of this unprecedented situation and make helicopter support available.

I should like to read into the RECORD the letter which I have sent to the White House this morning:

DEAR MR. PRESIDENT: The disaster which struck the people of East Pakistan this past weekend must be numbered among the most dreadful catastrophes in the history of human experience. Its magnitude defies description.

Countless thousands have already perished. Thousands more are threatened with disease and death unless food, water, medical assistance, shelter, and sanitation facilities are supplied in massive amounts within a very short period. And this in a region where such commodities are in pitifully short supply in the best of times.

Surely all Americans of good conscience stand with you in your determination to provide all possible assistance. Your actions thus far, including emergency allocations of funds and food, will receive wide support.

There is good reason to fear, however, that the aid we and other nations stand ready to supply might be unavailing, for simple want of transport. There is a desperate shortage of the means for moving supplies where they are needed.

Cargo aircraft, including C–130's which have been made available, are too fast for successful low-flying airdrops of supplies. They must be even less useful for evacuation, since they have no place to land. Consequently, nearly a week after the calamity, we still hear only estimates of the total destruction because many of the affected islands have not yet even been reached, let alone supplied with the materials needed to sustain what life remains.

Pakistani relief commissioner A. M. Anisuazzaman has left no doubt about the most pressing requirement for organization of an adequate relief program: "helicopters, helicopters and helicopters."

This is a need which we are uniquely capable of fulfilling. Helicopters are ideally suited for the work which must be done, and the United States has more of these aircraft than any other nation—probably more than all nations combined. What is more, we, alone, already have large numbers in the Asian region.

I propose, therefore, that every helicopter and crew not now urgently required in Vietnam be moved from that conflict to help in the Pakistani relief effort. They should be accompanied by as many fixed-wing transport aircraft as can be spared under the same standard, for collection and delivery of supplies to airfields nearest the points of need.

I presume that a number of these aircraft have already become surplus in Vietnam because of declining American involvement in the war. Reductions in the intensity of conflict brought by the monsoon season should release others on at least a temporary basis. There have been recent reports that aerial assaults are becoming counterproductive in any event because of their interference with efforts to resettle the Vietnamese civilian population. These factors and others suggest that a great and possibly decisive contribution to the relief effort could be made without in any way endangering our forces in Vietnam.

Beyond this, it would be worthwhile exploring the chance that North Vietnamese and National Liberation Front forces might cooperate to allow an even greater diversion than might otherwise be the case—through a temporary ceasefire or other arrangement. The aid already supplied by China and the Soviet Union illustrates that this is an effort which political differences need not impede.

Millions of Americans have agonized over the purposes and the consequences of this nation's enormous military effort in Southeast Asia.

The steps I have outlined offer a practical means of expressing the compassion our entire society feels for the people of East Pakistan. They are in full accord with the humanitarian instincts which have characterized our actions so frequently in the past.

And they would display to the people of Asia and elsewhere that, given the opportunity, the awesome power and technology of the United States can relieve suffering rather than inflicting it; can save life rather than destroying it.

Mr. President, I ask unanimous consent that, in addition to the letter to the President which I have just read, the two articles from which I have already quoted be printed in the RECORD in their entirety at this point.

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

COPTER SHORTAGE BALKS CYCLONE AID—ONLY ONE NOW AVAILABLE IN EAST PAKISTAN—TWO SENT FROM NEPAL BY UNITED STATES

DACCA, PAKISTAN, November 18.—Tons of relief supplies were flown to East Pakistan today, but the lack of communications with the survivors of Friday's cyclone and tidal wave kept most of the help from reaching them.

It is only 100 miles from Dacca to the center of the disaster area in the Ganges Delta, where, according to some estimates, half a million or more people have perished. However, the area is virtually inaccessible by road, and, with only one helicopter available in East Pakistan, very few air drops have been made.

Two American civilian helicopters from the American aid mission in Nepal were reported on their way here, and they are scheduled to start dropping relief supplies tomorrow. Four United States Army helicopters also on the way, are expected to begin relief operations on Friday.

LEAVES ARE CANCELED

The government of East Pakistan announced today that the disaster zone would be treated as a "major calamity" area, with leaves canceled for all Government employees engaged in relief work.

The Government has come under criticism for not having done so earlier. Students demanding the action had marched through the streets of Dacca.

The central Pakistani Government, based in West Pakistan, 1,000 miles away—Indian territory is in between—has also been criticized.

Relief officials here said their greatest need was helicopters, and they noted that the Pakistani Air Force had such aircraft in West Pakistan. (The Daily Telegraph of London quoted the Relief Commissioner, A. M. Anisuzzman, as having said it was impossible to get any of them and that he did not know why.)

There was concern among relief workers that disease and starvation could exact a heavy toll among the survivors of the cyclone unless relief supplies could be delivered quickly. Among the planes arriving today with supplies were aircraft from Switzerland and West Germany. A Boeing 707 was reported to have transported 25 tons of tents, clothing, blankets and medicine from West Germany and then to have flown to Turkey for another load.

TWO PLANES FROM IRAN

The Pakistani radio reported that two planeloads arrived from Iran. Shah Mohammed Ri Pahlevi has declared the Pakistani tragedy an Iranian one as well. Other countries sending relief goods included the United States, Britain and France.

In addition to the helicopters the United States was providing as its initial contribution $10-million in emergency food supplies. President Nixon ordered the use of funds held in Pakistan that are owed to the United States for such items as grain purchases and the reimbursement of direct dollar relief costs.

With much of the disaster area still under water and inaccessible, there was no way of knowing what the final death toll would be. The official estimate stood at 55,000. But some officials, as quoted by The Pakistan Times, the English-language daily published in West Pakistan in Lahore and Rawalpindi expressed fear that the figure might reach a million.

CHILDREN'S CLOTHES UNNEEDED

Relief workers who had reached one of the hardest hit offshore islands sent back word that there was no need for the children's clothing they had taken with them, as all the children there had died. Other teams going out from Dacca were advised to take with them only clothing for adults.

DISPUTE OVER PILOTS

DACCA, November 18.—A question of which country's pilots should fly relief helicopters has delayed delivery of urgently needed aircraft from the United States and Britain, Pakistani relief officials said today.

Pakistani officials said their Government wanted the United States and Britain to provide the aircraft for use by Pakistani pilots. But Washington refused to go along, the officials said, so Pakistan backed down and the helicopters were expected to arrive late tomorrow.

British aid included five million water purification tablets donated by a drug company. Each tablet was said to be sufficient to purify a gallon of polluted water.

Britain is flying in 13 military landing craft from Singapore to aid in rescue work, the Government said.

TWENTY COUNTRIES SEND AID

GENEVA, November 18.—Henrik Beer, secretary general of the League of Red Cross Societies, reported today that $3-million in medicines, tents, blankets, vitamins, water-purifying equipment and other relief supplies for the stricken East Pakistani area were now "in the pipeline."

These supplies, he said in an interview, have been provided by Red Cross societies in 20 countries.

He announced that the Society in Communist China had donated the equivalent of

$1.4-million of which $400,000 was in cash and the rest in supplies.

Emphasizing the difficulty of delivering the supplies to the homeless of the Ganges Delta region, he said both large and small helicopters were urgently needed, and he expressed the hope that the United States would provide at least two dozen. Mr. Beer put the number of the homeless at two and a half million.

FUND FOR AID SET UP

WASHINGTON, November 18.—Among the agencies accepting contributions to aid victims of the Ganges Delta disaster is the newly organized Pakistan Cyclone Relief Fund, Inc. It's address is P.O. Box 1670, American Security and Trust Company, Fifteen and Pennsylvania Avenues, NW., Washington, D.C. 20005. Contributions are tax-deductible.

The fund was organized yesterday with Joseph W. Barr, president of the American Security and Trust Company; Robert D. Murphy, chairman of Corning International, and Walter S. Surrey, lawyer, as co-chairmen.

[From the Washington Post, Nov. 19, 1970]

PAKISTAN FLOOD RELIEF STALLED

DACCA, PAKISTAN, Nov. 18.—Aid officials today raced desperately against time to save thousands of men, women and children who survived East Pakistan's disastrous cyclone last week and now face death from hunger and disease.

Starvation, cholera and typhoid threaten to overwhelm the survivors as they wait for food, medicine and shelter, pouring in from all over the world.

This is the grim reality facing officials trying to get relief supplies into the waterlogged, near inaccessible disaster zone where 34,000 persons are known dead and where experienced observers fear the toll will reach 500,000.

The peasants and fishermen in the shattered low-lying islands in the Bay of Bengal urgently need airdropped supplies if they are to survive much longer. But there is a desperate shortage of helicopters, essential to make the pinpoint drops necessary in regions still under water and unreachable by normal planes.

The disclosure by Relief Commissioner A. M. Anisuzzaman that only one helicopter was immediately available for the vital task has heightened anxieties and anger among organizers here.

Dozens of small islands in the Bay of Bengal were still untouched by relief workers. Survivors told newsmen their drinking water came from pools befouled by corpses of human beings and cattle and their only food was rotting rice kernels they burned before eating to kill the stench.

Officials discounted reports of widespread cholera in the stricken area.

"The incidence of cholera is insignificant compared to other problems of relief here," said Dr. Wiley H. Mosley, chief of epidemiology of the cholera laboratory run by Pakistan and the Southeast Asia Treaty Organization.

In Washington President Nixon ordered an initial allocation of $10 million in government funds for relief.

Two small American helicopters are arriving from Nepal but they are Bell 476s, limited to a 600-pound load. Four more U.S. helicopters are being sent in crates from Fort Bragg, N.C., but they will take 19 hours to assemble and cannot be operational before Sunday.

The sick and starving islanders could be just so many more figures on the death toll by that time, relief workers fear.

To add to the burden the airstrip at Barisal which is within 50 miles of the least accessible stricken areas, cannot be used because of maintenance and supply problems.

China today promised aid worth $1.2 million to East Pakistan, the New China News Agency said. The Soviet Union, which said a vessel already has delivered food and medicine, was reported to be examining the need for further help.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. What is the will of the Senate?

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRIFFIN. Mr. President, I ask unanimous consent that I be permitted to speak for 10 minutes.

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

MILITARY AND ECONOMIC ASSISTANCE FOR THE MIDDLE EAST AND ASIA

Mr. GRIFFIN. Mr. President, the supplemental appropriation request sent to Congress yesterday by the President represents a prudent minimum of military and economic assistance for our friends in the Middle East and Asia. With this support, they will be able to pursue the goals of freedom and independence which they desire and which will reinforce this Nation's security as well.

By approving the request, Congress will join the President in another step into the decade of the seventies—a further and important step toward less direct American involvement abroad while we help threatened countries assume increasing responsibility for their own defense.

This appropriation request: implements the Nixon doctrine;

Reasserts our deep interest in the Mediterranean and the Middle East; buttresses the confidence of our friends and allies in the U.S. willingness to stand by them.

Cautions adversaries that our interest in entering an era of negotiations stems not from weakness or lack of resolve, but from a genuine desire to end human suffering and to embark on a generation of peace.

As President Nixon said in his message yesterday:

> We must signal clearly to the world, to those who threaten freedom as well as those who uphold freedom, that where our interests are involved the United States will help those who demonstrate their determination to defend themselves. Our foreign policy cannot succeed without clear evidence that we will provide such help.

This supplemental appropriation package represents another historic building block in the implementation of the Nixon doctrine. It represents part of the cost of shifting to a new policy for the 1970's. To reduce the American presence abroad, we must provide those under threat with the muscle to take over more of the burden of their own defense.

President Nixon first outlined his program for gradually shifting to Asian nations themselves the primary responsibility for their defense at Guam in mid-1969 and in his report to Congress on "U.S. Foreign Policy for the 1970's."

He explained then, as he repeated in his message to the Congress yesterday, that the pace of the shift is all-important.

> This approach requires our commitment to helping our partners develop their own strength. In doing so, we must strike a careful balance. If we do too little to help them . . . they may lose the necessary will to conduct their own self-defense or become disheartened about prospects of development. Yet if we do too much, and American forces do what local forces can and should be doing, we promote dependence rather than independence.

The billion-dollar program we now have before us, strikes a necessary balance. We are promoting independence in the nations we help. We are building their confidence in themselves.

In a Senate speech which I delivered on June 29, 1970, I said:

> It is in the interest of the United States that the non-Communist nations of Asia be able to carry the primary burden of their own defense.

I also observed that the Nixon doctrine "is not a complete and revolutionary departure from all past policies" but that "it is different in its emphasis and in method."

The same is true today, Mr. President. We cannot fail to provide this prudent minimum to our friends and allies. If we were to refuse to approve this request, we would seriously jeopardize our security arrangements.

We would erode the resolve of our friends and embolden our enemies.

We would take a fateful leap away from the bipartisanship which has buttressed the successful foreign policy of five American administrations since World War II.

To reject this program of military and economic aid in the name of economy would be false economy.

To reject it in the name of peace would encourage aggression.

Our continued support for Israel, under the shadow of increasing threat from nearby Soviet arms and personnel, is essential.

Our support for Jordan and Lebanon in their struggles to maintain their integrity and independence in the face of increasing extremist threats, internal and external, is also valid.

By far, the largest portion of this billion-dollar package is earmarked for Israel: $500 million in credits.

The record will show that the United States has made numerous efforts to resolve the Middle East dispute in a peaceful manner.

We have patiently explained to the Soviet Union that continued arms escalation in the Middle East is not in our mutual interest or in the interest of the world.

The Soviet Union, however, has been insensitive to our words. It has continued

its arms shipments to the United Arab Republic. It has installed a sophisticated air defense system, deploying surface to air missiles, SAM 2's and SAM 3's, in the Suez Canal area, despite the standstill cease-fire.

Today, a tenuous cease-fire prevails in the Middle East. But the Middle East dispute is not resolved.

The Nixon administration has made every effort to avoid the need for the weapons which the requests sent to Congress yesterday are designed to buy. Unfortunately, the Soviet Union would not let those efforts succeed.

Under the request, the second largest sum, $255 million, would go to assist Cambodia. That amount would support military and economic requirements of this courageous Southeast Asian nation, which seeks to oust Communist occupiers of its territory.

The administration's request for funds to aid Cambodia is a particularly good example of the Nixon doctrine in action.

It is a very frugal program; it is a cautious program, and it is a limited program.

Seventy percent of the military assistance funds requested for Cambodia are for ammunition.

This support would be provided in a way that will not require U.S. forces or advisers to support Cambodian forces.

The Cambodians have shown us their resolve and their demonstration of national unity and purpose to a remarkable degree—surprising to many.

They have made up with patriotism and courage what they may have lacked in military training and equipment. They have made effective use of the extremely limited outside assistance they have received to date.

This request by President Nixon will only support Cambodian efforts. It does not replace them.

Our support of the Cambodian people is more than an appropriate expression of the Nixon doctrine. It is also intended to support the Vietnamization program across Cambodia's eastern border.

Mr. President, last summer some Members of this body feared that the 2-month campaign against the Communist sanctuaries in Cambodia would result in a broadened involvement of American troops in Southeast Asia. I told the Senate at that time:

> Whatever economic or military aid the present Administration may provide today to friendly nations in Southeast Asia would come at a time when we are rapidly *reducing* our military presence in Southeast Asia.

This view was not unanimously accepted in the Senate last summer. Now the truth of it should be clear to us all.

The argument that providing economic and military aid to Southeast Asia would increase, our entanglement on the mainland of Asia is less convincing than ever. We are reducing our troop involvement by roughly half in Vietnam; by one-third in Korea; and substantially in Thailand, as well as in the Philippines.

Under the request, we would aid Korea to the extent of $150 million for modernization of its armed forces. This is a further implementation of the Nixon doctrine.

The United States has declared its intention of reducing its ground forces in Korea by one third.

Modernization of the Korean forces is long overdue. It has been postponed repeatedly because of the heavy defense requirements in Vietnam. Delay is no longer prudent.

Vietnam would get $65 million in economic aid in this supplemental package. This support for Vietnamization is another expression of our determination to keep commitments both to the American people and to our allies.

The Vietnamization program is saving lives and money in such substantial proportions that the costs associated with the policy are a small price to pay.

Vietnam's armed forces daily grow more competent in assuming the burdens of combat. As the movement toward military self-sufficiency accelerates, however, economic support is required on a significant scale.

United States aid will not increase the living standards in Vietnam. It will, however, Mr. President, provide a necessary offset for reduced foreign exchange income for Vietnam as U.S. forces are withdrawn.

Indonesia will be assisted to the extent of $13 million as part of this supplemental package. This is a small but crucial amount.

The Suharto government continues to demonstrate its firm determination to retain its independence and neutrality.

At the same time Indonesia has taken truly impressive measures to assure the United States that what assistance is received is not wasted. Our past support has helped the Suharto government move toward its goals of economic and military independence. That government deserves our continuing help.

Under the package request, Jordan would get $30 million and Lebanon $5 million under the supplemental bill.

These two small, moderate countries have supported peace efforts in the Middle East and paid for it in the strong internal reactions which threaten their stability. These proposed contributions of ours demonstrate the U.S. commitment to a just peace in the Middle East.

Mr. President, by promptly voting support of this supplemental appropriation, Congress will underscore the resolve of the United States to meet our responsibilities as a world power and to sustain a strong free world defense posture.

If we remain strong, our prospects for achieving peace through negotiations remain strong.

Our resolve in that respect must be emphasized and demonstrated.

Any flagging in our determination, any unevenness in our willingness to support our friends and allies would only encourage adventurers to make still further attempts to force their will upon the free world by making war.

As we move toward consideration of this request by the President, I think it would be helpful, as Al Smith used to say, to look at the record.

The President assured us that U.S. forces would be withdrawn from Vietnam; 165,000 men have already been withdrawn.

The President assured us that the military actions conducted in Cambodia last spring would be confined to the enemy sanctuaries; those actions were confined to the sanctuaries.

The President assured the American people that U.S. ground forces would be withdrawn from Cambodia by June 30, 1970. These ground forces were withdrawn by that date.

Today the President asks us now to provide the funds needed to continue our support of our friends in the Mediterranean area and to implement the Nixon doctrine in Asia.

The President has assured us that: 100,000 additional troops will be withdrawn from Vietnam by spring; 20,000 troops are being withdrawn from Korea; 9,800 troops are being withdrawn from Thailand; 6,000 troops are being withdrawn from the Philippines.

The funds requested will support those withdrawals and make them possible; they will assure those countries from which our troops are leaving that we continue to support them.

The administration has indicated that the United States will do what is necessary to maintain the military balance in the Middle East. The proposed aid to Israel in this package is the U.S. response to the Soviet effort to upset that balance.

The administration has assured us it is asking for the prudent minimum that will encourage the desirable maximum in self-help by the nations to be benefited.

On the basis of the record, there is no reason to doubt these assurances by the administration.

By approving this request, we would also be implementing foreign policy enunciated by President Truman 23 years ago. In March 1947 he said:

> It must be the policy of the United States of America to support free peoples who are resisting attempted subjugation by armed minorities, or by outside pressure.

Mr. President, shortly after the President announced the Nixon doctrine at Guam in 1969, our distinguished majority leader, the Senator from Montana (Mr. MANSFIELD) stated:

> The President is moving with caution and consideration but also with a sense of reality based on the changes which have occurred on this globe. He is not advocating isolationism, nor is he advocating the abandonment of Asia.
>
> In his candid statements, both in this country and in Guam, he has emphasized that the United States is a Pacific power with peripheral interests on the Asian mainland . . .
>
> . . . What the President has done, in short, is to signal the less likelihood of American participation in wars on the Asian mainland in the future. The President has also encouraged the Asian nations to depend more on themselves in both internal security and military defense which, to me, seems to be a sound long-range policy. In short, what the President has stated broadly and plainly is continued support for the nations of Asia but with greater Asian participation and responsibility.

Our distinguished majority leader was right then, as he is right so often. More recently, he called upon his colleagues on his side of the aisle to put the partisanship of the recent election campaigns behind them and to cooperate with the

Nixon administration for the good of the Nation.

Mr. President, this is an occasion for such cooperation.

THE NATO ALLIANCE AND STANDING FLEET IN MEDITERRANEAN

Mr. SPONG. Mr. President, during the congressional recess, it was my privilege to attend the Sixteenth Annual Session of the North Atlantic Assembly, a meeting of legislators from the North Atlantic Treaty Organization—NATO—countries, held at The Hague. As a representative of the state where the Atlantic headquarters for NATO are located, I have always maintained a deep interest in the Organization.

This year the Assembly dealt with four issues which I feel are quite significant and which hold far-reaching implications for the future of the alliance.

The most basic issue and the one which has been a continuing source of irritation concerns commitments of the individual NATO members. The United States has, in the past, and currently provides the lion's share of the support for NATO. This is true on the nuclear level, where the United States possesses about 95 percent of the alliance's nuclear capability. And, it is also true on the conventional level, where the Canadian and European members of NATO could contribute more.

The U.S. commitment presently includes some 300,000 military personnel, whose dependents must also be maintained in Europe, and 10 percent of our Nation's arms strength. It requires 4 percent of our annual military budget—about $3 billion—for salary and operational costs alone. Total U.S. costs for NATO have been estimated as high as $14 billion a year.

With few exceptions, the commitments made by other NATO members have fallen short of what could reasonably be expected.

In the past, I have been opposed to a unilateral U.S. withdrawal of troops from NATO. There are, I believe, cogent reasons for this position. Europe, perhaps more than any other area of the world, is tied to our own well-being. A sense of false security, which NATO has helped foster, could lull us into a dangerous sleep. The conventional strength of the Warsaw Pact countries has increased gradually but steadily and surpasses a strength required solely for defense.

There are, however, compelling considerations on the other side. There is a need to reduce U.S. defense spending in the face of growing domestic needs and to improve our balance-of-payments position. As our distinguished majority leader, Senator MANSFIELD, has noted, the argument that a large NATO force is necessary to induce the Soviet Union and Warsaw Pact nations to seek mutual troop reductions and detente has not proven true during the recent years when it has been made. But perhaps the most compelling argument for a U.S. reduction is the failure of the European nations to make more of a contribution to their own defense, a failure deriving from many sources—the understandable desire of these nations, too, to divert funds from military spending to domestic needs; the economic difficulties some of these nations have faced; a lack of faith among some Europeans in their own ability to save themselves, regardless of their actions, in the face of a large-scale Warsaw Pact attack.

With these considerations in view, the Assembly agreed to a resolution urging each NATO member nation to devote approximately 5 percent of its gross national product to NATO activities.

While I am not completely sanguine as to the full implementation of this resolution, I hope that NATO members will comply—principally because I believe the need for NATO remains and because I have concluded that commitments of the United States to NATO in the years ahead must depend significantly upon the efforts that other members are willing to make. We cannot continue to bear a disproportionate burden in NATO. In reducing that burden, however, we should concentrate first on decreasing the administrative and support personnel and, only lastly, combat troops.

A second issue which raises important questions for the alliance relates to the West German policy of Ostpolitik, of seeking closer ties with the Soviet Union and the nations of Eastern Europe. European geography, together with the natural desire of Germans, East and West, for greater interaction with others of their nationality supports such a policy.

The continued commitment of the Soviet Union and Warsaw Pact nations to the disintegration and demise of NATO, however, implies hazards in the policy for the alliance. It was the general impression of the Assembly that NATO should, as much as possible, approach the Warsaw Pact countries with a unified stance, a desirable, if difficult undertaking. In the absence of such a stance, a constant alertness to the potential dangers of Ostpolitik to NATO must be maintained.

A third issue is that of the Middle East, the source of oil for NATO's European members and an area not distant from the "soft underbelly of NATO", particularly Turkey and Greece.

Recent developments in the Middle East which portend problems for NATO include the provision of Soviet pilots and jet fighters, the guerrilla hijackings, the death of President Nasser, the uneasy cease-fire, and the growing strength of the Fedayeen, which I discussed in a Senate floor speech in March of 1969.

These developments raise questions about the possibility of NATO's being outflanked and the sufficiency of the alliance's operations in the Mediterranean.

NATO has responded in the Mediterranean by earmarking additional naval units to alliance activities, increasing its surveillance role and creating an on-call naval force; but problems in the area are far from resolution.

The discussion of the Mediterranean does, nevertheless, bring me to my fourth issue, mentioned briefly above, the creation of a standing NATO naval force in the Mediterranean. My interest in this, as well as that of the senior Senator from New York, Senator JAVITS, goes back some time. I endorsed the concept of a standing fleet for the Mediterranean in an April 22, 1968, Senate floor speech. Senator JAVITS, as chairman of the Assembly's Political Committee, has been instrumental in securing Assembly support for the fleet. I hope the fleet will be brought into being.

In these times, when the NATO nations are, almost without exception, facing difficulties both at home and abroad, the alliance must be maintained. Its proven strength in the past can help see us into the future. The security of the European nations is deeply tied to NATO. For their own well-being, for their own benefit, our European allies should be willing to allocate a greater portion of their resources to NATO.

Mr. KENNEDY. Mr. President, I missed the first part of the comments of the distinguished Senator regarding his observations on the NATO meeting. I did have the opportunity to attend the conference with my colleague from Virginia.

In listening to the latter part of the Senator's comments in which he urged a greater degree of participation by our European friends in meeting our common defense needs, it is relevant to note that the same position was stated by the distinguished Representative from South Carolina (Mr. RIVERS) in an amendment he called "Five Percent for Freedom." This point received the strong endorsement of many members of the delegation.

I commend the Senator for making his comments.

At a time when we have so much unfinished business, and unsolved problems here in this country, as I am sure our European friends also have, it is necessary that we underscore and underline the common defense that is presented by the NATO shield. We ought to understand each other's problems, and we certainly ought to expect that they be willing to pay for a greater share.

It is commendable that the Senator is urging this upon our European friends. I know he speaks for many members of the delegation. I am glad he made these comments today.

Mr. SPONG. Mr. President, I thank the Senator from Massachusetts. The Senator from Massachusetts addressed the NATO Assembly, I believe in 1969. In the period of more than 2 years since the introduction of the Mansfield resolution in 1968, the delegates in the assembly have endeavored to alert our European allies to the fact that the people in this country want more signs of participation by them in their own defense before continuing to underwrite such a large share of the conventional defense in Europe.

I appreciate the remarks of the Senator.

Mr. KENNEDY. Mr. President, one developing factor which is of great interest is the increasing trade between Western European and Eastern European countries. At a time when Western European countries are signing long-term credit agreements opening up new avenues of trade, expanding contacts in

trade, while seeing a continuing reduction in terms of their own commitment to NATO, it is relevant that this country reflect upon its NATO commitments. We too are trying to develop a policy toward expanded trade in terms of Eastern Europe; particularly has this been true in the latter part of the sixties, a development which I think is being reevaluated by the administration. I suppose it is not inappropriate to review the expenditures of our resources. Our NATO commitments are extensive and heavily burdensome on the American taxpayer, as we maintain this substantial presence, which is the obligation of the United States under the treaty.

I am often reminded, when many of our European friends comment that ours is a new position or posture, that actually we are finally accepting recommendations made by President Eisenhower in the latter 1950's that we reduce troop commitments. Certainly with the extraordinary economic vitality of our European friends and in view of the new problems we are facing in our country in terms of the economy, I think the statements and observations made by the Senator from Virginia are prudent and reasonable and they are certainly consistent with what I feel are the short- and long-term interests of the United States at this time.

Mr. SPONG. I thank the Senator. Earlier in my remarks, before the Senator returned to the Chamber, I mentioned as one of the significant developments at this time the new policy toward the East at Bonn. We are also mindful of the activities of the French and Italian Governments. While we do not disapprove of these activities, it makes us look at what our position is to be in the future, certainly as far as financial contributions to NATO are concerned.

Mr. KENNEDY. I think we should expect our European friends to understand that this as a problem which must be confronted, and should not conclude that it is a lessening of our determination to stand with them in Western Europe in the common defense of freedom. As good friends, they should understand the problems we are facing at home and be willing to take a new look at our mutual defense expenditures as they apply to Western Europe.

I thank the Senator.

JOINT COMMITTEE ON THE ENVIRONMENT

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Commerce, the Committee on Public Works, and the Committee on Interior and Insular Affairs be discharged from their further consideration of House Joint Resolution 1117.

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

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 1117.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 1117) to establish a Joint Committee on the Environment.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. KENNEDY. Mr. President, I move that all after the enacting clause be stricken, and that the text of Senate Joint Resolution 207, as amended and passed yesterday, be substituted therefor.

The motion was agreed to.

The joint resolution (H. J. Res. 1117) was ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which House Joint Resolution 1117, as amended, was passed.

Mr. COTTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the action of the Senate yesterday in passing Senate joint resolution 207 be rescinded, and that Senate joint resolution 207 be indefinitely postponed.

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

AMENDMENT OF JOINT RESOLUTION ESTABLISHING THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3630.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3630). An Act to amend the joint resolution establishing the American Revolution Commission which was to strike out all after the enacting clause, and insert:

That the joint resolution entitled "Joint Resolution To Establish the American Revolution Bicentennial Commission, and for other purposes", approved July 4, 1966 (80 Stat. 259), as amended, is further amended—

(1) by adding in section 2(b)(3) the words "the Secretary of Housing and Urban Development and the Secretary of Transportation," after the words "the Secretary of Commerce,";

(b) by deleting in section 6(c) everything after the word "section" and inserting in lieu thereof the words "3109 of title 5, United States Code.";

(3) by adding an additional section 6(g) to read as follows:

"SEC. 6. (g) Whoever, except as authorized under rules and regulations issued by the Commission, knowingly manufactures, reproduces, or uses any logos, symbols, or marks originated under authority of and certified by the Commission for use in connection with the commemoration of the American Revolution Bicentennial, or any facsimile thereof, or in such a manner as suggests any such logos, symbols, or marks, shall be fined not more than $250 or imprisoned not more than six months or both: Provided, That this section shall be applicable upon publication in the Federal Register of notification of certification hereunder by the Commission with respect to each such logo, symbol, or mark.";

(4) by deleting section 7(a) and inserting in lieu thereof the following:

"SEC. 7. (a) There is authorized to be appropriated not to exceed $373,000 for the period through fiscal year 1971."

Mr. KENNEDY. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON REAPPORTIONMENT OF AN APPROPRIATION

A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Canal Zone Government for "Operating expenses," for the fiscal year 1971, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

LIMITATION ON GENERAL AND ADMINISTRATIVE EXPENSES, PANAMA CANAL COMPANY FUND

A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, reporting, pursuant to law, that the "Limitation on general and administrative expenses," Panama Canal Company Fund, for the fiscal year 1971, has been apportioned on a basis which indicates the necessity for an increase in the limitation; to the Committee on Appropriations.

PROPOSED DONATION OF SURPLUS FIRE TRUCK TO THE BOROUGH OF NEW SHREWSBURY, N.J.

A letter from the Chief of Legislative Affairs, Detpartment of the Navy, informing the Senate, pursuant to law, of the intention of the Department to donate a surplus fire truck to the Borough of New Shrewsbury, N.J.; to the Committee on Armed Services.

REPORT ON PROFITS MADE BY CONTRACTORS AND SUBCONTRACTORS ON CERTAIN DEFENSE CONTRACTS

A letter from the Comptroller General of the United States, reporting, pursuant to law his report on profits made by contractors and subcontractors on certain defense contracts would not be submitted until March 31, 1971; to the Committee on Armed Services.

REPORT ON DEPARTMENT OF DEFENSE NEGOTIATED CONTRACTS

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on military procurement actions for experimental, developmental, test or research work negotiated under the provisions of 10 U.S.C. 2304(a)(11) and in the interest of national defense on industrial mobilization under the provisions of 10 U.S.C. 2304(a)(16), for the 6-month period ended June 30, 1970 (with an accompanying report); to the Committee on Armed Services.

REPORT OF THE ATTORNEY GENERAL ON VOLUNTARY AGREEMENTS AND PROGRAMS

A letter from the Attorney General of the United States, transmitting, pursuant to law, a report on voluntary agreements and programs, as of August 9, 1970 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON CERTAIN PURCHASE CONTRACTS MADE BY THE DEPARTMENT OF TRANSPORTATION

A letter from the Assistant Secretary for Administration, Office of the Secretary of Transportation, transmitting, pursuant to law, a report on purchases and contracts made by the Department of Transportation under clause 11 of section 2304(a) of title 10 during the period of May 1, 1970, through November 1, 1970 (with an accompanying report); to the Committee on Commerce.

PROPOSED LEGISLATION TO AMEND THE FOREIGN ASSISTANCE ACT OF 1961

A letter from the Secretary of State, transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1961 (with an accompanying paper); to the Committee on Foreign Relations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the adverse effects of large-scale production of major weapons before completion of development and testing, Department of the Navy, dated November 19, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORT OF THE INVESTIGATION OF THE NEED FOR CONTINUING ASSISTANCE TO BOULDER CITY, NEV., FOR THE COST OF SUPPLYING WATER

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, the second 5-year report of the investigation of the need for continuing assistance to Boulder City, Nevada, for the cost of supplying water to the municipality (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORT ON HARBOR RENEWAL STUDY

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on a study of drift and debris removal from the public harbors under the jurisdiction of the Secretary of the Army (with an accompanying report and papers); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

A resolution adopted by the American Ornithologists' Union, at Buffalo, N.Y., expressing opposition to any legislation which would reduce Federal control and responsibility for natural resources on Federal lands; to the Committee on Commerce.

A resolution adopted by the American Ornithologists' Union, at Buffalo, N.Y., urging support of the preservation of the Jamaica Bay Wildlife Refuge; to the Committee on Commerce.

A resolution adopted by the Utility Coworkers' Association, Newark, N.J., disapproving the practice of tieing retirement benefits to social security; to the Committee on Finance.

A resolution adopted by the Utility Coworkers' Association, Newark, N.J., praying for the amendment of the Constitution of the United States, in order to permit students attending public schools voluntarily to recite prayers daily; to the Committee on the Judiciary.

A resolution adopted by the King County Council of Seattle, Wash., praying for the enactment of legislation relating to the treatment of alcoholism; to the Committee on Labor and Public Welfare.

Resolutions adopted by the Utility Coworkers' Association, Newark, N.J., praying for amendments to the Labor Management Relations Act of 1947, and so forth; to the Committee on Labor and Public Welfare.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. MURPHY, from the Committee on Armed Services, without amendment:

H.R. 110. An act to amend section 427(b) of title 37, United States Code, to provide that a family separation allowance shall be paid to a member of a uniformed service even though the member does not maintain a residence or household for his dependents, subject to his management and control (Rept. No. 91–1346);

H.R. 386. An act to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service assigned to Government quarters providing he is otherwise entitled to such separation allowance (Rept. No. 91–1347); and

H.R. 9486. An act to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict (Rept. No. 91–1348).

SHIP LOAN BILL—REPORT OF A COMMITTEE—(S. REPT. 91–1349)—REFERRAL OF BILL TO COMMITTEE ON FOREIGN RELATIONS

Mr. STENNIS. Mr. President, I am reporting from the Committee on Armed Service H.R. 15728, known as the ship loan bill, with an accompanying report. I might note that the committee adopted an amendment deleting the authority for loaning the three submarines to Nationalist China which was contained in the House version.

The chairman of the Committee on Foreign Relations, Mr. FULBRIGHT, and I have conferred on this measure. There is no question that the Committee on Armed Services has full jurisdiction over the bill; however, the Foreign Relations Committee does desire to examine this legislation from the standpoint of its international political implications. Moreover, there is a precedent for that committee's considering the bill since an arrangement was made in 1967 under which the Foreign Relations Committee considered a ship loan bill after it had been reported by the Armed Services Committee.

I therefore request unanimous consent that the bill be referred to the Committee on Foreign Relations on the condition that it be reported back to the Senate within 2 weeks from this date. I would urge and be most hopeful due to the shortness of time remaining in the session that the full period of 2 weeks would not be required.

The PRESIDING OFFICER Mr. GRAVEL). The report will be received and printed; and, without objection the bill will be referred to the Committee on Foreign Relations, as requested by the Senator from Mississippi.

AUTHORIZATION FOR PRINTING OF INDIVIDUAL VIEWS

Mr. BYRD of West Virginia subsequently said: Mr. President, on behalf of the junior Senator from Mississippi (Mr. STENNIS), I ask unanimous consent that the individual views of the Senator from Hawaii (Mr. INOUYE) be printed as a part of the report to accompany H.R. 15728.

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

EXECUTIVE REPORTS OF COMMITTEES

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

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

Melvin L. Manfull, of Utah, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Central African Republic;

Dr. Homer Daniels Babbidge, Jr., of Connecticut, and Dr. Martha B. Lucas Pate, of Connecticut, to be members of the U.S. Advisory Commission on International Educational and Cultural Affairs; and

Louise Gore, U.S. member of the Executive Board of the United Nations Educational, Scientific, and Cultural Organization, to serve on the Executive Board with the rank of Ambassador.

Mr. FULBRIGHT. Mr. President, from the Committee on Foreign Relations, I report favorably sundry nominations in the diplomatic and Foreign Service which have previously appeared in the CONGRESSIONAL RECORD and ask unanimous consent, to save the expense of printing them on the Executive Calendar, that they lie on the Secretary's desk for the information of any Senator.

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

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

Francis S. Ronalds, Jr., of the District of Columbia, and sundry other persons, for appointment in the diplomatic and Foreign Service.

Mr. MAGNUSON. Mr. President, from the Committee on Commerce, I report favorably sundry nominations in the Coast Guard which have previously appeared in the CONGRESSIONAL RECORD and ask unanimous consent, to save the expense of printing them on the Executive Calendar, that they lie on the Secretary's desk for the information of any Senator.

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

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

Newton L. Bennett, and sundry other officers, for promotion in the Coast Guard; and

William C. Behan, and sundry other officers, for promotion in the Coast Guard.

Mr. STENNIS. Mr. President, from the Committee on Armed Services, I report favorably the nomination of seven flag and general officers in the Navy and Army. I ask that these names be placed on the Executive Calendar.

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

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

Rear Adm. George E. Moore II, Supply Corps, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving; and

Brig. Gen. William Henry Moncrief, Jr., Army of the United States (colonel, Medical Corps, U.S. Army), and sundry other officers, for temporary appointment in the Army of the United States.

Mr. STENNIS. Mr. President, in addition, I report favorably 337 appointments in the Regular Army in grade of colonel and below; 930 permanent appointments in the Marine Corps in grade of colonel and below; and 4,760 permanent promotions in the Navy in grade of lieutenant. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

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

Ralph D. Pinto, and sundry other persons, for appointment in the Regular Army, by transfer;

Hugh S. Aitken, and sundry other officer, for permanent appointment in the Marine Corps;

Marvin Roy Aardal, and sundry other officers, for permanent promotion in the Navy; and

Margaret A. Brewer, and sundry other officers, for permanent appointment in the Marine Corps.

BILLS INTRODUCED

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

By Mr. PACKWOOD (for himself, Mr. SPARKMAN, Mr. BENNETT, Mr. BROOKE, Mr. CRANSTON, Mr. GOODELL, Mr. HOLLINGS, Mr. HUGHES, Mr. MCINTYRE, Mr. MUSKIE, Mr. PERCY, Mr. PROXMIRE, Mr. TOWER, and Mr. WILLIAMS of New Jersey):

S. 4515. A bill to insure adequate supplies of timber for housing construction in furtherance of the national housing goal established in the Housing Act of 1949; to the Committee on Banking and Currency.

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

By Mr. SPARKMAN:

S. 4516. A bill for the relief of Mr. Shu Yan Kao; to the Committee on the Judiciary.

By Mr. BIBLE (by request):

S. 4517. A bill to declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe, and for other purposes; and

S. 4518. A bill to declare that certain federally owned lands are held by the United States in trust for the Paiute-Shoshone Tribe of the Fallon Reservation and Fallon Colony, Nevada; to the Committee on Interior and Insular Affairs.

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

By Mr. BENNETT:

S. 4519. A bill for the relief of Grace Home Herbertson; to the Committee on the Judiciary.

By Mr. BROOKE:

S. 4520. A bill for the relief of Guilhermina Garcia; to the Committee on the Judiciary.

By Mr. MURPHY:

S. 4521. A bill for the relief of Maria Lourdes Rios; to the Committee on the Judiciary.

By Mr. ANDERSON (for himself and Mr. MONTOYA) (by request):

S. 4522. A bill to declare that 3.308 acres, more or less, of federally owned land is held by the United States in trust for the Pueblo of Cochiti; to the Committee on Interior and Insular Affairs.

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

By Mr. SCOTT:

S. 4523. A bill for the relief of Franco DiGiulio; to the Committee on the Judiciary.

S. 4517—INTRODUCTION OF A BILL TO DECLARE THAT CERTAIN PUBLIC LANDS ARE HELD IN TRUST FOR THE SUMMIT LAKE PAIUTE TRIBE

Mr. BIBLE. Mr. President, I introduce, for appropriate reference, proposed legislation submitted by the Department of the Interior to declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe, and for other purposes.

I ask unanimous consent that the letter to the Vice President from Assistant Secretary Loesch, dated October 30, 1970, be printed in the RECORD following my remarks.

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

The bill (S. 4517) to declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe, and for other purposes, introduced by Mr. BIBLE, by request, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letter, presented by Mr. BIBLE, is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY.
Washington, D.C., October 30, 1970.

Hon. SPIRO T. AGNEW,
President, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft of a proposed bill "To declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe, and for other purposes."

We recommend that the proposed bill be referred to the appropriate committee for consideration and that it be enacted.

This bill provides that all right, title and interest of the United States in 600 acres, more or less, of public domain land, together with all improvements thereon, will be held in trust for the Summit Lake Paiute Tribe. The bill further 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 claim against the United States Government determined by the Commission.

This acreage is vacant, unappropriated public domain land contiguous to the south boundary of the Summit Lake Reservation. A notice of a proposed withdrawal of this land in aid of legislation was published in the *Federal Register* of March 23, 1965, page 3787.

The Summit Lake Paiute Reservation was established by executive order on January 14, 1913. The area was enlarged by the Act of March 3, 1928 (45 Stat. 160), and presently consists of some 10,500 acres. The public domain land, which is the subject of this bill, was fenced with the reservation land by the Civilian Conservation Corps in the middle 1930's. The fencing consists of 4-strand galvanized barbed wire on split pine posts. The wire appears to be in reasonably good condition, but a number of the posts will need to be replaced. Two springs and a small excavated pond are situated on the land. They furnish much needed water for livestock grazing on the southern portion of the reservation. The terrain of the land is such that livestock on this part of the reservation must depend upon these springs for water.

These 600 acres have been used continuously with tribal land for grazing purposes to make a well-rounded range unit. The tribe considers it imperative that this tract be made a part of the reservation in order to protect the value of the tribal range resources. A formal appraisal made in 1965 indicated the fair market value to be approximately $9,000. The land is without value for minerals, either metalliferous or nonmetalliferous. The highest and best use of the property is for grazing of livestock during the spring and summe. for approximately six months' use. Because of its size and location in this isolated area, optimum use is realized when combined with contiguous tribal grazing lands to form a practical operating unit.

The 600 acres plus adjoining reservation lands completely surround a 40-acre parcel of land owned by a non-Indian. Section 1 of the bill reserves a right of access to the non-Indian land across the 600 acres.

Th owner of the non-Indian land has expressed an interest in exchanging his land for a parcel of tribal land or in selling the 40-acre parcel to the tribe. An exchange is authorized under section 5 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984, 985; 25 U.S.C. 465), but a purchase would be prohibited because of the limitations contained in the Act of July 26, 1968 (82 Stat. 425). This is the Interior and related agencies appropriation act for fiscal year 1969, and it provides:

"That no part of this appropriation or other tribal funds shall be used for the acquisition of land or water rights within the States of Nevada . . ., either inside or outside the boundaries of existing reservations, if such acquisition results in the property being exempted from local taxation . . ."

Setcion 2 of the bill authorizes the purchase of this non-Indian tract of land in a trust status notwithstanding the inhibition contained in existing law.

The Office of Management and Budget has advised there is no objection to the presentation of this draft bill from the standpoint of the Administration's program.

Sincerely yours,

HARRISON SOESCH,
Assistant Secretary of the Interior.

S. 4518—INTRODUCTION OF A BILL TO DECLARE THAT CERTAIN LANDS ARE HELD IN TRUST FOR THE PAIUTE-SHOSHONE TRIBE OF THE FALLON RESERVATION AND FALLON COUNTY, NEVADA

Mr. BIBLE. Mr. President, I introduce, for appropriate reference, a bill to declare that certain federally owned lands are held by the United States in trust for the Paiute-Shoshone Tribe of the Fallon Reservation and Fallon Colony, Nevada.

This measure has been submitted and recommended by the Department of the Interior, and I ask unanimous consent that the letter accompanying the proposed legislation be printed in the RECORD following my remarks.

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

The bill (S. 4518) to declare that certain federally owned lands are held by the United States in trust for the Paiute-Shoshone Tribe of the Fallon Reservation and Fallon Colony, Nevada, introduced by Mr. BIBLE, by request, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letter, presented by Mr. BIBLE, is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., October 30, 1970.

Hon. SPIRO T. AGNEW,
President, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft of a proposed bill, "To declare that certain federally owned lands are held by the United States in trust for the Paiute-Shoshone Tribe of the Fallon Reservation and Fallon Colony, Nevada."

We recommend that the proposed bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

This bill provides that two tracts of public domain land will be held in trust for the Paiute-Shoshone Tribe of the Fallon Reservation and Fallon Colony, Nevada. It further provides that the Indian Claims Commission will determine the extent to which the value of the trust title conveyed should or should not be set off against any claim against the United States Government determined by the Commission.

One tract contains 40 acres and the other 20 acres. The Fallon Colony is involved in certain improvement projects, and this legislation will provide a land base that will enable the Indians to participate in a much-needed Mutual-Help Housing program.

This land has been the home of these Indians for more than 50 years. The 40-acre tract was eliminated from a Reclamation withdrawal and reserved on August 23, 1917, for the benefit of the Indians who at the time were occupying part of the tract and were earning their livelihood in and around the town of Fallon, Nevada. Subsequently, some of the Indians by mistake constructed their homes on the 20-acre tract described in the bill which is contiguous to the north boundary of the 40-acre parcel. This 20-acre tract was withdrawn on March 14, 1958, in aid of legislation. These two parcels comprise the Fallon Colony. The colony is located one mile northeast of Fallon, and one-fourth mile from the northeast city limit. To the north of the colony is the city dump and on the southeast is the Fallon city cemetery.

The Indians are mostly Paiute and a few Shoshone. Some 12 miles to the east another group of Indians live on their allotments on the Fallon Reservation. They, together with the colony Indians, have organized and have a common constitution and bylaws. They are known as the Paiute-Shoshone Tribe of the Fallon Reservation and Colony.

The Fallon Colony is an established community of 45 Indians. They brought electricity and water to their settlement at their own expense. However, the water came from the old city water system which was condemned, and not used by the city except to provide water for the cemetery. The city, itself, had a new water supply reservoir for its municipal water system. The Indians of the Fallon Colony then applied to the United States Public Health Service for an improved water and sanitation system which was completed during the past fiscal year.

There are 16 homes located on approximately 25 acres of the 40-acre tract. Eleven acres are under subjugation with water deliveries from the Truckee-Carson Irrigation Project. This parcel is under lease to a member of the Fallon Reservation. Approximately four acres are in the Truckee-Carson Irrigation District's irrigation canal that bisects the property. There are 11 homes on the 20-acre parcel.

A circular gravelled surfaced road through the residential area is maintained by the Bureau of Indian Affairs. Individual houses and other buildings are located around this drive. Only two homes and a church are reported to be in good condition. Although they are of low cost frame construction, they are modern with septic tanks and disposal facilities and have had above average maintenance with some lawns and landscaping. Eight of the buildings are in fair condition. Eleven structures are classified as poor. There are also some 10 or 12 shed or shack type buildings, all vacant, or at least only used occasionally, that have no value other than salvage.

The 22 buildings classified from good to poor have a value of $23,000. All of these buildings have been constructed and are maintained by the Indians at their own expense. The only other improvements are minimal fencing along the crop side of the canal and boundary fences between the cropland and adjoining fee land. The land described in the bill is valued at $285 per acre or approximately $17,000. The low quality and questionable nature of the water system contributes nothing to the value of the property.

These tracts are considered to be of some value for sodium and potassium. The thickness and extent of the deposits are not known and drilling would be necessary to establish their value, but it is believed to be quite low. These lands are without value for other minerals, either metalliferous or nonmetalliferous.

About 90 percent of the Indians of the Fallon Colony earn their livelihood working in and around the town of Fallon. If they were required to move, in order to take advantage of the Mutual-Help Housing program, it would mean a considerable hardship to them. In fact, there appears to be no use for this property that would surpass the Indians' need for it, nor is there any other property available for their housing program. Although there is some tribal land remaining on the Fallon Reservation, all of the good land has been allotted and that remaining would not be desirable for a housing project. Neither would the reservation location be suitable because of the distance to the town of Fallon and the lack of transportation for these Indians who work in Fallon.

The Indians of the Fallon Colony have an application before the Housing Assistance Administration for 40 units of Mutual-Help Housing with construction to begin as soon as possible. A necessary requisite to this housing program is that the Indians have vested property rights in the land, which will be accomplished by this legislation. We strongly urge its enactment.

The Office of Management and Budget has advised there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely yours,

HARRISON LOESCH,
Assistant Secretary of the Interior.

S. 4522—INTRODUCTION OF A BILL TO DECLARE THAT 3.308 ACRES, MORE OR LESS, OF FEDERALLY OWNED LAND IS HELD BY THE UNITED STATES IN TRUST FOR THE PUEBLO OF COCHITI

Mr. ANDERSON. Mr. President, on behalf of the junior Senator from New Mexico (Mr. MONTOYA) and myself, I introduced for appropriate reference a bill to declare that 3.308 acres, more or less, of federally owned land is held by the United States in trust for the Pueblo of Cochiti.

This measure has been submitted and recommended by the Department of the Interior, and I ask unanimous consent that the letter accompanying the proposed legislation be printed in the RECORD following my remarks.

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

The bill (S. 4522) to declare that 3.308 acres, more or less of federally owned land is held by the United States in trust for the Pueblo of Cochiti, introduced by Mr. ANDERSON, for himself and Mr. MONTOYA, by request, was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

The letter submitted by Mr. ANDERSON is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., November 3, 1970.

Hon. SPIRO T. AGNEW,
President, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To declare that 3.308 acres, more or less, of federally owned land is held by the United States in trust for the Pueblo of Cochiti."

We recommend that the proposed bill be referred to the appropriate committee for consideration and that it be enacted.

This bill provides that all the right, title and interest of the United States in 3.308 acres, more or less, of federally owned land acquired for school purposes, together with all improvements thereon, which have been determined to be excess to the needs of the Bureau of Indian Affairs, will be held in trust for the Pueblo of Cochiti. It further 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 claim against the United States Government determined by the Commission.

This parcel was acquired by the United States in 1911 for $150 through condemnation for the purpose of establishing a day school for the Cochiti Indians. The Cochiti Day School was in operation by the Federal Government until the middle 1960's. In 1966 the land and improvements were permitted to the school board of the Bernalillo Public Schools, District No. 1, for the purpose of operating a public school and housing for teachers. On May 31, 1968, the school board terminated its permit as construction of a new public school plant to serve the educational needs of the Cochiti Pueblo had been completed.

The new public school has rendered the facilities of the Cochiti school site obsolete and the property is excess to our needs. The

Pueblo of Cochiti desired the use of this property and a permit was approved on October 15, 1968. Thereafter on December 12, 1968, by resolution the Pueblo requested the property since the land could be used advantageously by the Pueblo for community purposes, including the Pueblo Governor's office, council office, library, Headstart classrooms, and other community uses.

The school site is located within the village of Cochiti adjacent to tribal lands, most of which are assigned to individual members of the Pueblo for homesites. Although the Cochiti Pueblo has no formal land consolidation program, it as in the past pursued a policy of acquiring alienated parcels within the exterior boundaries of the reservation through land exchanges in order to consolidate its use areas.

An appraisal of the property indicates a fair market value of $8,500 for the land, including the water and sewer systems. Based on reproduction costs the buildings have a value of $22,493. The existing buildings are quite old and obsolete and will require considerable outlay for maintenance. Having the land held in trust for the Cochiti Pueblo will make it possible for the Pueblo to maintain and repair the buildings and make any other needed improvements. Without this declaration the Cochiti Pueblo would have no assurance that any improvements the Pueblo made to the property might not be taken from it since the Pueblo is simply using the property under permit. At the same time the Federal Government will be relieved of responsibility for maintenance and upkeep.

This land is in an area where the geologic formations, under suitable stratigraphic and structural conditions, are favorable for the occurrence of oil and gas. However, the nearest producing well is 50 miles to the west and the mineral value for this tract is considered to be quite low. It is without value for other minerals.

As the Cochiti Pueblo has a very definite need for this property and the Federal Government can be relieved of the maintenance and upkeep responsibility, we urge that trust title to the property be given to the Pueblo. As this property is surrounded by trust land, we believe that there should be a declaration of trust.

The Office of Management and Budget has advised there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely yours,

HARRISON LOESCH,
Assistant Secretary of the Interior.

A bill to declare that 3.308 acres, more or less, of federally owned land is held by the United States in trust for the Pueblo of Cochiti

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right, title and interest of the United States in and to the following described land acquired for school purposes, together with all improvements thereon, which is now excess to the needs of the Secretary of the Interior, is hereby declared to be held by the United States in trust for the Pueblo of Cochiti:

That parcel of land in section 19, Township 16 North, Range 6 East, New Mexico principal meridian, described as beginning at the northeast corner, whence the southwest corner of the church bears south 72 degrees 35 minutes east 420.6 feet distant; thence north 66 degrees 13 minutes west 480 feet, more or less, to the northwest corner; thence south 23 degrees 47 minutes west 300 feet, more or less, to the southwest corner; thence south 66 degrees 13 minutes east 480 feet, more or less, to the southeast corner; thence north 23 degrees 47 minutes east 300 feet, more or less, to the northeast corner, the place of beginning; containing 3.308 acres, more or less.

SEC. 2. The Indian Claims Commission is directed to determine, in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

ADDITIONAL COSPONSORS OF BILLS

S. 3186

At the request of the Senator from Delaware (Mr. BOGGS), the Senator from Virginia (Mr. SPONG), was added as a cosponsor of S. 3186, to clarify the status of funds of the Treasury deposited with the States under the act of June 23, 1836.

S. 4492

At the request of the Senator from South Dakota (Mr. MCGOVERN), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Wisconsin (Mr. PROXMIRE) were added as cosponsors of S. 4492, to establish an improved program for the benefit of producers and consumers of dairy products and other commodities, to extend the Food and Agriculture Act of 1965 for 1 year with respect to wheat, wool, feed grains, and cotton, and for other purposes.

SENATE CONCURRENT RESOLUTION 85—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING THE PRINTING OF CERTAIN HEARINGS

Mr. SYMINGTON submitted a concurrent resolution (S. Con. Res. 85); which was referred to the Committee on Rules and Administration, as follows:

S. CON. RES. 85

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document a compilation of the hearings on United States Security Agreements and Commitments Abroad held before the Subcommittee on United States Security Agreements and Commitments Abroad of the Committee on Foreign Relations.

SEC. 2. There shall be printed four thousand additional copies of such Senate document. Such additional copies shall be for the use of the Committee on Foreign Relations.

SENATE RESOLUTION 484—RESOLUTION SUBMITTED AND AGREED TO RELATING TO EXTENSION OF SYMPATHY TO THE PRESIDENT AND PEOPLE OF PAKISTAN

Mr. SCOTT (for himself and Mr. MANSFIELD) submitted a resolution (S. Res. 484) extending the sympathy of the Senate to the President and people of Pakistan, which was considered and agreed to.

(The remarks of Mr. SCOTT when he submitted the resolution appear later in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 463

Mr. MCCLELLAN. Mr. President, cities have historically served as the center of social, economic, and industrial intercourse.

Unfortunately, however, many of today's cities have become so congested and so compacted that they now stand, not as shining citadels of yesterday, but as monumental smog-filled, bursting incubators of serious social problems.

Uncontrolled industrial growth and expansion in the urban centers has prompted massive migration of our people into these areas. This burgeoning congestion has caused serious housing, health, recreation, transportation, welfare, and crime problems. Many city residents fear for their safety; others have become alienated and frustrated, as the local resources and services prove inadequate to provide decent conditions in which to live, to work, and to play.

The physical and economic resources of these areas have been severely taxed and sorely strained. And, if the complicated difficulties emanating from the already compacted population patterns were not enough, we face the added problem of trying to accommodate the projected 100 million increase in population within the next 30 to 40 years. Obviously today's suffocating metropolitan areas will not be capable of adequately meeting the needs of even a fraction of this multitude.

Paradoxically, while our cities mushroomed, many of our rural areas withered, as more and more of their young and able-bodied people sought the big-city jobs and opportunities.

Although some less populated regions are capable of sustaining their people economically, others have become near skeletal in nature; sheltering the older, underskilled, and undereducated. This plight is illustrated by statistics which show that our rural areas have one-third of the population—but one-half of our poor.

We have pursued a limited and narrow approach to these conditions. The readily apparent problems of our cities have undeniably monopolized our attention, our energies, and our moneys. As a result the equally disturbing and important problems of rural America have been neglected and ignored. Because of the dual nature of this problem—congested cities and withering counties—a two-pronged policy is needed to remedy the dilemma.

As a nation, we are committed to achieving an ever higher standard of living for our people—decent housing, adequate food, good health, and educational opportunities. We must seek to provide these things for all the people—urban and rural. By encouraging new industries to locate in these sparsely populated regions, and existing industries to look to these areas when expanding, we could enhance and enrich the lives of all Americans wherever they are located. A policy of bringing jobs to the people in the countryside would act as a deterrent to those who might otherwise feel compelled to migrate to metropolitan areas in search for employment.

Mr. President, I first suggested this industrial decentralization concept in 1968 during our investigation of the city riots. On September 16 of this year, I introduced Senate Resolution 463, calling upon the administration to adopt and implement this program as a national

policy. Under my resolution, preference would be given, in the awarding of Government contracts, the locating of new governmental facilities and the implementing of Federal programs, to those areas of our country which have a low concentration of population and industry.

On October 14, I requested that the names of 18 Senators be added as cosponsors of the resolution. Today, I ask unanimous consent that, at the next printing, the names of the following Senators be added as cosponsors of the resolution: Senators ALLOTT, GURNEY, HARRIS, INOUYE, JACKSON, JORDAN of Idaho, MCGEE, MUSKIE, PEARSON, SCOTT, SPARKMAN, STENNIS, and METCALF.

The PRESIDING OFICER (Mr. FANNIN). Without objection, it is so ordered.

Mr. COTTON. Mr. President, would the Senator kindly add my name?

Mr. McCLELLAN. I am happy to do so.

Mr. President, I ask unanimous consent that the names of the distinguished Senator from New Hampshire (Mr. COTTON) and the distinguished Senator from Washington (Mr. MAGNUSON) be added as cosponsors of the resolution.

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

Mr. PROUTY. Mr. President, would the Senator add my name?

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Vermont (Mr. PROUTY) be added as a cosponsor.

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

Mr. McCLELLAN. I am indeed pleased and encouraged by the broad bipartisanship support of my colleagues. The White House and other officials of the administration have been extremely interested in this measure and have also pledged support.

I realize that the population and economic growth patterns of a free society are not easily channeled or redistributed since they are the product of millions of decisions individually made by our citizens. Certainly, a hallmark of freedom is the unrestrained movement and location of our people. We are, however, the managers of our own fate, and we do have a responsibility to assure future generations a healthy environment. Our Government cannot dictate where people will live or work, but it can—and should—encourage a sensible and balanced growth pattern to the maximum extent feasible.

It is time to halt and reverse the present population trends, and give our urban areas—especially our decaying intercities—an opportunity to concentrate on restoration, while we revitalize our rural areas and develop their vast potential. The passage and implementation of my resolution will, I believe, contribute much to the realization of these objectives.

Mr. President, as Senators know, title IX of the Agricultural Act of 1970 contains provisions committing Congress to the development of a sound rural and urban balance. These provisions have my wholehearted support.

The thrust, the import, and the concept of Senate Resolution 463, however, is to have the administration adopt and implement a broad national policy to promote the decentralization of our industries—to encourage their distribution and future expansion to those areas which have a low concentration of population and industry.

As I have pointed out, it is not the purpose, nor do we seek, to uproot industry wherever it may be located. But there are going to be another 100 million people in this country within the next 30 or 40 years. Where are those people going? To meet the needs of those people, industry must expand. Those people are going to live somewhere. As industry expands, let us have it expand in the rural areas of our country, where today there is no congestion, where there are no overcrowded conditions. Mr. President, these people will have to work to live. Let us take the jobs to where these people are, instead of having these people come into the metropolitan centers, which are already overcrowded and polluted and congested today.

The thrust, the import, and the concept of Senate Resolution 463 is to have the administration adopt such a policy, as I have stated. It would seek to do this—primarily—by redirecting and rechanneling existing Federal programs. There are almost 600 domestic aid programs and activities currently being administered by 47 Federal departments and agencies, according to the OEO—another compilation lists 1,315 operating Federal assistance programs. For example, the EDA program offers a variety of growth opportunities to local communities, and has proven highly successful in helping them to develop facilities so that they could adequately attract—and serve—new industry.

The industrial decentralization envisioned by Senate Resolution 463 could ease the growing pressures on our cities and, at the same time, facilitate the orderly development of our smaller towns by taking jobs to people in those areas, and thus bring about a better balance both of population distribution and of industrial decentralization.

I am very grateful to those of my colleagues who have joined me as cosponsors of this resolution.

Mr. President, I ask unanimous consent to add the name of the Senator from Arizona (Mr. FANNIN) as a cosponsor; and also the Senator from Florida (Mr. HOLLAND).

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

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL, 1971—AMENDMENT

AMENDMENT NO. 1077

Mr. INOUYE. Mr. President, on my own behalf and on behalf of Senators CRANSTON, HARRIS, HART, McGOVERN, and MONDALE I wish to submit the following proposed amendment to H.R. 18515:

On page 21, line 16, delete the figure "$295,000,000" and insert in lieu thereof "$298,000,000".

The PRESIDING OFFICER (Mr. FANNIN). The amendment will be received and printed, and will lie on the table.

Mr. INOUYE. The shortage of health manpower and the soaring costs of medical care are a cause for concern to all of us. In the legislation before us here are increases for training physicians, dentists, nurses, and members of the allied health professions over last year's levels. In the case of schools of public health, however, H.R. 18515 provides for no increase over 1970, even though an additional school of public health was accredited this year and another new school is expected to be accredited in 1971.

Congress first approved direct Federal support for graduate schools of public health in 1958—Public Law 85-544—in recognition of their role as a national resource for the training of public health personnel for State, county, and city health departments and for such Federal agencies as the Departments of Health, Education, and Welfare and Defense, and the newly created Environmental Protection Agency. Since that time the schools of public health have more than doubled their enrollment and graduates. Despite this expansion a severe shortage of trained public health manpower persists.

I would like to emphasize that our 17 schools of public health are a national—not just a State or local—resource. They train public health personnel for all 50 States as well as for our territories, counties, and cities. Not all States can support a school of public health but all of the States must have the people they train to administer health care programs, carry out comprehensive health planning functions, and provide for environmental control programs. The Federal investment, therefore, is essential and fully justified.

Earlier this year, the Congress approved legislation—Public Law 91-208—that increased the authorization for appropriations for public health training from $26 million in 1970 to $37 million in 1971.

The President's budget for 1971 requested only $16,471,000 for public health training, less than one-half the amount authorized to be appropriated. This request was $1 million below the level of funding available in both 1969 and 1970. Since 1969 two new schools of public health have been accredited. They are located at the University of Texas and the University of Washington. Additional new schools are planned for Alabama, Illinois, Missouri, and Ohio.

The House of Representaitves has approved only $16,471,000 for public health training for 1971, a reduction of $1,000,000 from the 1970 level, even though increases were approved for schools of medicine, dentistry, nursing, and the allied health professions. The Senate Appropriations Committee has approved an increase of $1,000,000 over the House allowance, making $17,471,000 available for public health training in 1971. That amount is less than one-half the amount authorized to be appropriated and would impose reductions on individual schools because of the additional schools that have been and will be established.

The amendment I offer would increase the funds available for health manpower from $295,000,000 to $298,000,0000, an increase of slightly more than 1 percent. This increase would make a total of $9,000,000 available for traineeships under section 306 of the Public Health Service Act, $5,917,000 available for training grants under section 309(a) under that act, and $5,554,000 available for formula grants under section 309(c) of that act. This will make $1 million more available for traineeships and $2 million more for institutional support.

It makes no sense to fight inflation by cutting back on the funds for the training of additional health care personnel when medical costs are rising at a far more rapid rate than is true of other commodity and service costs. Only through increasing the supply of trained personnel and the efficiency in the delivery of health services can we hope to hold the line on increasing health costs. The schools of public health, although supported in part from State and private resources, are primarily reliant on Federal funding. There is no reason to believe that the existing schools will be able to continue to operate at current levels without this increase—that other sources can be found to pick up the slack. An increase of two schools with no increase in funds must therefore result in a cutback at the very time we have noted a major increase in the authorization. This cannot be permitted and it is for this reaosn that I and those who have joined with me offer this amendment. I urge its acceptance.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 1068 TO H.R. 18515

At the request of the Senator from New York (Mr. JAVITS), the Senator from Massachusetts (Mr. BROOKE), the Senator from Montana (Mr. METCALF), the Senator from Rhode Island (Mr. PELL), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Maine (Mr. MUSKIE), were added to amendment No. 1068 to H.R. 18515, making appropriations from the Department of Labor, and Health, Education, and Welfare, and for other purposes.

NOMINATION OF WILLIAM D. RUCKELSHAUS TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY—REFERRAL OF NOMINATION—NOTICE OF HEARING

Mr. RANDOLPH. Mr. President, on Monday, November 16, 1970, when the Senate reconvened, there was sent to this body by the President of the United States the nomination of the Honorable William D. Ruckelshaus to be Administrator of the Environmental Protection Agency.

This nomination has not been referred to a committee of the Senate for hearing. The nomination has been discussed by this Senator, as chairman of the Committee on Public Works, with the able chairmen of the Committee on Commerce (Mr. MAGNUSON) and the Committee on Interior and Insular Affairs (Mr. JACKSON), as well as other interested Members of the Senate. We have agreed that the Committee on Public Works is the appropriate committee to consider this nomination. It is my hope that the chairmen and the ranking minority members of the Commerce Committee and the Interior and Insular Affairs Committee will join us in the hearings, as well as their counterparts in the Agriculture Committee and the Labor and Public Welfare Committee, both of which committees now have jurisdiction over programs which will be transferred to the Environmental Protection Agency. If the procedure I have outlined is followed, we intend to have that hearing or begin the hearings, on Tuesday, December 1, 1970.

The PRESIDING OFFICER (Mr. GURNEY). Without objection, the nomination will be referred to the Committee on Public Works.

ADDITIONAL STATEMENTS OF SENATORS

HOWARD SAVINGS INSTITUTION, NEWARK, N.J., REACHES MOMENTOUS MILESTONE

Mr. WILLIAMS of New Jersey. Mr. President, the Howard Savings Institution has become the first bank in New Jersey to exceed $1 billion in assets. In so doing, it has become one of the largest financial institutions in the Nation. This quite clearly is a magnificent tribute to the bank's management and employees. For more than 100 years, the residents and business community of New Jersey have relied on the Howard Savings Institution. That trust always has been rewarded.

The growth and history of the Howard Savings Institution was reported in an article published in the Newark Sunday News of November 15, 1970. The article shows quite clearly not only the expert business management which has typified the Howard throughout its history, but also the spirit of involvement in the community life of New Jersey, which has been a hallmark of that bank.

Mr. President, 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:

HOWARD HITS BILLION MARK

The 113-year-old success story of the Howard Savings Institution has reached a new, and momentous, milestone. The Newark institution has become the first bank of any kind in New Jersey to top the $1-billion mark in assets.

The achievement is remarkable in several aspects.

The surge which pushed the Howard over the $1-billion pinnacle has come at a time when giant savings banks in Manhattan are struggling to stem deposit losses.

Savings banks normally just don't rank with commercial banks in size. But the Howard has been New Jersey's largest bank, measured in either assets or deposits, for almost two years. And it is the only savings bank in the country which outranks all commercial banks in its state.

Among the thrift institutions, a category which includes savings banks and savings and loan associations, the Howard's size and growth is even more notable. It is now almost four times as large as its nearest competitor in New Jersey.

With all its size, the Howard still enjoys a reputation as a family and community bank. Typically, when GI home mortgage loans were hardest to get, the bank refused to charge extra "points" to veterans seeking them. And it made funds available for college tuition loans when other lending was more profitable.

The announcement that the bank had topped the $1-billion mark was made by John W. Kress, chairman of the board. The achievement caps the service of Kress as the bank's leader. Although continuing as chairman, he is due to turn over the reins as chief executive officer on Jan. 18 to Bruce Alexander, who succeeded Kress last summer as president.

In revealing the $1-billion achievement, Kress noted that the Howard is one of the three largest savings banks outside New York City, being exceeded in size only by institutions in Philadelphia and Buffalo in addition to the New York giants. The Howard ranks 14th nationally.

Kress said that the Howard's milestone was reached because of a quickening of deposits, up $97 million or 11.73 per cent since the end of 1969. Bolstered by deposits which now total $927 million, the asset figure stands at $1,000,992,093, a total $92,747,874 or 10.21 per cent over the year-end figure.

"Our deposit growth has been the largest in dollar amount, though not in percentage, in any one year in the bank's history," Kress said. "It is interesting to note that it took the Howard 105 years—from 1857 until 1962—to reach $500 million in assets, and only eight years to double that figure."

The experience of the Howard contrasts with that of savings banks in New York City, where many have been showing drops in deposits. Thus the Bowery Savings Bank, largest in the country, has had a deposit outflow of $278.6 million in the 16 months from March, 1969 through June, 1970.

NOT ONLY IN NEW YORK

Though the experience in New York is not peculiar to that city—the 497 mutual savings banks in the 18 states which permit this form of banking have shown a deposit outflow of $676 million in the 21 months ending Sept. 30—the New York loss has been particularly heavy because sophisticated savers there have been switching to U.S. Treasury bills, corporate bonds, tax-exempt bonds, commercial paper and other ways of attaining interest rates higher than the 6 per cent maximum the savings banks offer for long-term deposits.

Furthermore, the New York banks have been hurt by large-scale population shifts from the city to suburban areas in Long Island, Westchester, New Jersey and Connecticut. The banks are limited by law in their right to expand to nearby counties in the state, and of course can't cross state lines. And depositors remaining have been hurt, too—by the high cost of living in New York.

The New York banks in their effort to increase deposits have been offering gifts for new money—only in many cases to find themselves raiding each other.

"With 392,682 depositers, the Howard certainly has proven itself to be the people's bank," Kress said. "The average balance per saver is $2,350 and we now have depositors residing or working in all 50 states and 32 foreign countries.

"During the last 11 months, we paid these depositors $38.7 million in dividends, $10 million more than the amount paid for the corresponding period in 1969."

The Howard pays the same dividend rates—5 per cent for regular passbook savings and 6 per cent for long-term accounts that most New York and New Jersey savings banks pay.

The Howard compounds interest monthly on regular accounts and quarterly on the others.

FOUR TIMES AS LARGE

Nevertheless, growth has not only enabled it to outshine New York savings banks, but also to outpace other thrift institutions in New Jersey. It is now almost four times as large as the next largest savings bank or the largest savings and loan association in its native state.

The 6 per cent rate the Howard has been offering since last January for two-year deposits has been "very successful" in attracting money, Kress declared.

Not as much credit was given by the chairman to banking expansion now permitted by revised state law. Three branches opened this year under that law haven't been a significant factor to date in the bank's growth, he said, their deposits having contributed only around $33 million to this year's record total. However, entry has been established in populous Bergen County and additional outlets are being planned in the northern banking district.

The chairman's reference to the Howard as a "people's bank" seems to be borne out by its reputation, built up through the years as a community and family bank.

SCHOOL SAVINGS PLAN

The Howard sponsors a school savings account system which trains youngsters in thrift (and eventual status as Howard customers). The current total is more than 118-000 accounts in 160 schools, with more than $4 million on deposits and $162,000 a year earned in dividends. The average account is $34. The bank also has more than 25,000 Christmas Club and Vacation Club members, their accounts running to more than $4 million a year.

The Howard, largest mortgage lender in New Jersey, has a portfolio of 41,774 mortgages for nearly $643 million spread around more than 500 municipalities in the state.

The bank doesn't charge points (discounts from face amount) on mortgages, whether VA or conventional, when made to individuals. The conventional mortgages (no government guarantee) carry a state-fixed interest rate of 8 per cent, and the VA's, 8½ per cent as set by the government. FHA mortgages to individuals cost the borrower 8½ per cent interest and ½ of 1 per cent insurance, plus one point, all as prescribed by federal regulations. There is no charge to the seller.

The Howard does considerable lending to corporations building homes and apartment houses. In such cases, interest rate limits don't apply, although the current market is said to be around 9½ per cent plus a commitment fee which amounts to a point.

LENDS TO CHURCHES

The Howard is one of a few savings banks which will lend mortgage funds to hospitals, churches, synagogues, schools and similar institutions, charging a rate slightly under the commercial one. As a promotional program, it supplies door prizes for raffles, card parties, fashion shows and other activities of some 700 civic, religious and welfare groups.

Kress reported that the Stuyvesant Village branch in Irvington has shown the largest percentage gain in deposits for any savings branch in the state—50.30 per cent, for the period Sept. 1960 to Sept. 1970. The other Irving branch was not far behind at 31.68 per cent.

The complaint of New York savings banks, as voiced in a convention recently held in Florida, is that they are limited in their banking powers. New Jersey savings banks, all of which have been growing, though not at the Howard rate, do have more; thus, they can offer checking accounts and set up trust departments. But they can't make personal loans (neither can the New York banks) nor can they sell savings bank life insurance New York banks can.

The Howard's trust department, incidentally, has assets in excess of $105 million, not included in its own asset total. It also acts as New Jersey custodian for VA trust funds for incapacitated veterans.

The Howard is currently completing installation of a new electronic data processing system, a Century 200 from National Cash Register, to replace the Teleregister system it had since 1962. The Howard was the first bank in the country to establish an on-line data processing system.

In making his announcement of the $1 billion attainment, Kress paid tribute to past and present boards of managers "who gave unstintingly of their time and effort to better the institution's public service." As a mutual bank, the Howard has no stockholders, paying out profits in the form of dividends after setting up reserves.

Kress also said he is recognizing the roles of the bank's officers and staff in furthering its goals. The Howard, with a staff of 525, operates 13 offices in Newark, Irving, North Caldwell, South Orange, East Orange, Nutley and North Arlington.

PROPOSAL FOR INTERNATIONAL CULTURAL AND TRADE CENTER

Mr. SCOTT. Mr. President, we are all aware of the variety of problems confronting major cities across the Nation. At the same time, we realize that the very dynamics of these problems present the opportunity for innovative steps by both the public and private sectors. Such a proposal has been put forward by Mr. Simon Kriger, president of S. Kriger, Inc., of Washington, D.C. Mr. Kriger suggests the establishment of an international cultural and trade center in the heart of Washington. I believe this proposal merits the attention and study of all persons interested in the revitalization of the Nation's Capital and am pleased to ask unanimous consent to have printed in the RECORD a formal analysis, entitled "A Proposal for the Establishment of an International Cultural and Trade Center," prepared by Mr. Kriger.

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

A PROPOSAL FOR THE ESTABLISHMENT OF AN INTERNATIONAL CULTURAL AND TRADE CENTER

(By Simon Kriger)

DOWNTOWN WASHINGTON—TODAY AND TOMORROW

Washington, D.C., the Capital of the United States and the political Capital of the World, should be one of the most dynamic, interesting, and culturally alive spots on the planet. Unhappily this is not the case today, nor do current trends point to a change in the future.

The problems facing all major cities—a changing population, an exodus of the well-to-do and middle class to the suburbs, increasing crime, deteriorating buildings, a crisis in the public schools, escalating social needs, a decreasing tax base, a failing image—beset Washington, D.C.

The slow but seemingly unalterable decline of the city can be measured in the movement of government offices to the suburbs, the increasing concentration of shopping facilities in outlying shopping centers, the creation of new office complexes in nearby Virginia, decreasing retail sales, and the generally decaying downtown retail core.

Small businesses, which provide the unique flavor, diversity, and excitement in every city, are among the first victims of urban decay. Decreasing sales, increasing taxes, losses from crime, increased insurance rates (when insurance is available), and inability to obtain financing for capital improvements force many to go out of business, move out of the inner city, or decrease the quality of their services.

The coming of Metro to Washington presents an unprecedented opportunity to reverse these trends—to bring metropolitan residents back from the suburbs to downtown to benefit the city's residents and the entire metropolitan area. However, Metro can work the other way just as well; it can transport downtown residents to suburban shopping centers and entertainment areas. Already, outlying areas are taking steps to create attractions to merchants and shoppers around the suburban Metro outlets.

Downtown Washington has many natural assets. Above all else it is the Capital of the United States—the center of our national life—a potential showplace of the nation's accomplishments and symbol of its spirit. As the Capital, it is also a center of international, as well as national focus. Embassies, chanceries and consulates from almost every nation add to Washington's life. A number of international agencies, groups and organizations also maintain headquarters here.

Washington benefits economically from these assets but not to the extent it should. A flood of Americans make periodic pilgrimages to our national shrines; foreign visitors also make Washington an important part of their itineraries. The increasing concentration of power and regulation in Washington makes it the natural meeting place for conventions.

On the other hand, a striking percentage of Washington's tourists come only to see the monuments and, for a variety of reasons, drive on without spending the night or contributing to the trade of the city. Because of meager convention facilities, the city does not make full use of this potential either. At present the city makes almost no use of its international components (if anything, they serve as a negative factor in the city's economy because of the large amount of tax-free property they occupy).

In sum, the trends for downtown commercial, professional, and retail activities have been steadily down. There is no real reason to believe that this will change merely because of the coming of Metro. Only through the creation of some dramatic new attraction in downtown Washington can the tide of this city's history be changed. Such a unique center for entertainment, trade and business *can* be created if we capitalize upon our assets—our national and international stature—and erect an International Cultural and Trade Center in the heart of Washington, D.C.

POSSIBLE CHARACTERISTICS OF AN INTERNATIONAL CULTURAL AND TRADE CENTER FOR WASHINGTON, D.C.

An International Center for Washington could include all or any of the following:

1. A permanent structure or structures providing a home for:

a. Consulates and trade centers for foreign countries.

b. Outlets for representatives of industries and trade from various countries.

c. Trade representatives from each of the 50 states.

d. Outlets for representative businesses from each of the 50 states.

e. Retail stores featuring international products.

f. Restaurants with international cuisine.

g. International entertainment.

2. A convention center for use by international, national and local groups for lectures, concerts, exhibits and meetings of all kinds, including: a. meeting rooms, b. display

areas, and c. accommodations (not necessarily an integral part of the convention center itself).

3. A free port or duty free zone for international travelers.

4. An unusual and impressive architectural design, with provision for interior arcades and pedestrian malls with immediate access to entertainment, retail, commercial and eating establishments and integrated areas for public facilities and private offices.

5. Sophisticated and coordinated visitor and tourist information.

6. An integrated security system, capitalizing upon the deterrent effect of a "covered arcade."

7. A concerted effort to involve black entrepreneurs to a significant extent in new enterprises in the center and the surrounding area.

IMPLEMENTATION OF THE INTERNATIONAL CENTER CONCEPT

The Downtown Urban Renewal Program provides a unique opportunity for the creation of an international center in downtown Washington. The acquisition program eliminates land assemblage problems; the public hearings and general interest in the urban renewal process provide an invaluable mechanism for publicizing the idea; and the ultimate land use controls to be established by the D.C. City Council and Redevelopment Land Agency provide a means for implementing its development.

The American bicentennial celebration of 1976 provides another important stimulus for construction of a cultural and trade center at this time. The Bicentennial Commission is seeking projects to be completed within six years to serve as a symbol of the dawning of the nation's third century. A major new International Cultural and Trade Center would be a magnificent focus for the celebration and would benefit from the anticipated tourist deluge as well. Plans for redevelopment of Pennsylvania Avenue will be coordinated with the bicentennial and the development of the Downtown Urban Renewal Area.

However, time pressures and limitations on HUD-supplied funds make prompt action necessary. Therefore, we are now in the process of assembling the following components of an action team to bring the concept to fruition:

a. A nonprofit corporation, Washington International Cultural and Trade Center, Inc., to raise funds, employ a competent staff and coordinate the efforts of interested persons to:

(1) Determine the receptivity of foreign countries, states, and foreign and domestic corporations to the opportunity to open an outlet or office in an International Cultural and Trade Center,

(2) Obtain the support of major national and local institutions, including Congress, State Department, Smithsonian Institution and other museums, Chamber of Commerce of USA, Board of Trade, Washington Convention and Visitors Bureau, Downtown Progress, Redevelopment Land Agency, National Capital Planning Commission, H.U.D., and D.C. civic and cultural organizations, and

(3) Obtain broad public support from the citizens of the District and the nation at large.

b. Architectural and legal services to develop the technical framework for action.

c. Financial and real estate development groups with the vision to invest in a project which could transform a city as well as earn a generous return.

d. Public funding sources of construction of public facilities beyond the means of private development.

e. Mechanisms for involvement of small businessmen and minority groups in plans for new development of downtown Washington.

Already these efforts are bearing fruit. The concept of an International Cultural and Trade Center has received enthusiastic acceptance at City Hall, on Capitol Hill, and in business and civic groups. Architectual and legal talents have been retained. Private and governmental sources in London and Nationalist China have indicated interest in locating in such a center. Several firms with vast financial resources have expressed interest in underwriting the development. We are moving toward the formal incorporation of a vehicle for coordinating and channeling the momentum of our concept.

CONCLUSION

An International Cultural and Trade Center for Downtown Washington presents the best possible hope for achieving the following goals:

1. Place the Capital of the United States in proper perspective.

2. Rejuvenate the entire retail core, not only the plots on which the center is built but all surrounding areas.

3. Create a dynamic new center of activity, entertainment and attraction which can change the city's image.

4. Increase the tax base and tax revenues of the District.

5. Increase the amount and diversity of employment.

6. Increase participation by blacks in the Washington business community.

7. Preserve a maximum number of small businessmen threatened with financial ruin by urban renewal.

8. Increase foreign trade, including additional American exports as well as imports.

9. Create a symbol of international cooperation and a forum for contacts between citizens of all countries leading to better international understanding.

10. Create a center for educational enrichment.

These goals can be reached. Our city can become a symbol of hope and an example for the nation and the world. We need the help of all Washington's citizens, as well as the support of the Nation, to see that it does.

GENEROSITY AND CIVIC SPIRIT OF MR. AND MRS. TOM COSTELLO, SIOUX FALLS, S. DAK.

Mr. ALLEN. Mr. President, on behalf of the distinguished Senator from South Dakota (Mr. McGOVERN), and myself, I ask unanimous consent to place in the RECORD an article from the Sioux Falls, S. Dak., Argus-Leader of Tuesday, September 29, 1970, regarding the generosity and civic spirit and pride of Mr. and Mrs. Tom Costello, of Sioux Falls. Their gift of land valued at approximately $150,000 was the starting point for the new Costello Terminal Building at Foss Field.

A boyhood friend of mine, Mr. M. G. Dunn, of Gadsden, Ala., who has been with Goodyear Tire & Rubber Co.'s international operations for some 35 years and is now located at Mexico City, is the son-in-law of Mr. and Mrs. Costello, having married their lovely daughter, Janet Costello, some years ago.

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

LAND GIFT BY COSTELLO WAS START OF NEW TERMINAL

(By David H. Smith)

Costello Terminal Building is named after a man well known and beloved as a public benefactor.

It occupies a tract of nearly 70 acres presented to the city of Sioux Falls by Tom Costello, veteran businessman and civic worker.

On the day before Christmas, 1963, Costello played Santa Claus to the city by giving it land valued at approximately $150,000.

Upon receipt of the deed from Costello, the City Commission immediately called a special meeting at which a resolution was adopted accepting the property—and "providing that the new terminal building when erected, shall be known and designated as Costello Terminal Building."

DONATED CHAPEL TO SCOUTS

As another outstanding example of his generosity, Costello several years ago donated a chapel for the Boy Scout Reservation on Lewis and Clark Lake.

That location, 11 miles west of Yankton, is used as a summer camp by the Sioux Council, Boy Scouts of America, which embraces 32 counties in South Dakota, Minnesota and Iowa.

The chapel stands atop a bluff overlooking the lake.

Costello, president of the Costello Co., has made Sioux Falls his home since the turn of the century.

Through the years he has been prominently identified with programs for community betterment.

RECEIVED AWARD

When he received the Sioux Falls Cosmopolitan Club's 41st annual Distinguished Service Award on Jan. 29 of this year he was praised as an energetic worker for many organizations and institutions.

They were listed as the Chamber of Commerce, Sioux Falls Board of Realtors, Sioux Falls Association of Insurance Agents, Augustana College, Elks Lodge, Minnehaha Country Club, O'Gorman High School, St. Mary's Catholic Parish, Knights of Columbus, and the Rotary Club.

He was also credited with having labored diligently in behalf of the United Fund, the Sioux Falls baseball program, the downtown hotel-convention center and the Sioux Vocational School for the Handicapped.

Costello is a director and treasurer of the Sioux Falls Community Hotel Corp., which is promoting the hotel-convention center project.

At the Cosmopolitans' award dinner he was described as "one who was always willing to carry the water, one who will work on any worth-while community project but does not aspire to being the chairman or president of the project."

Another tribute paid to him was, "Kindness, patience and generosity are the trademarks of this gentleman."

HONORED BY REALTORS

More recently, Costello was named Realtor of the Year by the Sioux Falls Board of Realtors, of which he is a charter member.

In more than one way he has done his share to make downtown Sioux Falls more attractive.

The new building at 128 N. Main Ave., into which the Costello Co., moved in January 1962, did much to improve the appearance of that part of the city.

It brightly reflects the civic pride that has always been exemplified by the company's president, a veteran in the real estate, loan and insurance business.

Mr. and Mrs. Costello live at 1942 S. 1st Ave.

FAILURE OF THE PRINCETON PLAN

Mr. DOLE. Mr. President, at the height of the widespread campus disturbances last spring, a number of educational institutions sought to alleviate the turmoil in their midst by agreeing to arrange

their fall 1970 schedules so students could have free time to work in political campaigns. Evidently the assumption was made that students, being released from academic labors, would spend their autumn freedom engaged in massive political activity which would restore their confidence in the "system" from which they had become estranged. By this process not only was the crisis of the moment to be met—appeased if you will—but democracy, through the political consummation of the student movement, was to be enhanced.

The concept of a reordered schedule for campaign activity came to be known as the Princeton plan, for the school where it originated. Much discussion was given to the effect the unleashing of so potent a political force would have on American politics. Unfortunately for political scientists, the press, and politicians themselves, this question went unanswered, because, with a few minor exceptions, the Princeton plan had no major impact. What students did during their recess is open to speculation, but the great majority of them did not enter into the campaigns.

The apparent failure of the Princeton plan was analyzed by John Roche in the Washington Post of November 11. His insights are revealing and thought provoking.

Mr. President, I ask unanimous consent that Mr. Roche's article be printed in the RECORD.

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

PRINCETON PLAN: R.I.P.

Around a hundred American colleges and universities followed the so-called Princeton Plan, instituting a recess to permit their students to go out and engage in political activity.

Most of these institutions acted in haste last May, when almost anything that would mollify student opinion was rushed through faculty meetings, and have been repenting at leisure. For the plain fact is that, while a lot of students had the week off, there was no particular surge of youthful political activity.

My wife reported that there was a sizable contingent of college students at church the Sunday before election—they had just come home to visit—so the program may have had some unanticipated benefits.

The problem with the Princeton Plan was not that it was designed to stimulate student political activity. It is great to have students active in politics. When I ran for local office and my wife ran for the Pennsylvania legislature, we had a devoted cadre of students. But they volunteered their time, skipped some classes, made up the work, and never asked that Haverford college give them a bonus for their good citizenship. In short, they were not ordered into politics by faculty or student vote—they were active because they were self-propelled, because they enjoyed it. Even though it was part of their education, they did not expect academic credit. One gets educated in all sorts of odd places (God, what I learned in the Army!) without expecting academic brownie-points.

No, the difficulty with the Princeton Plan lay on two other levels. First, however much one talks about the flexibility of the university calendar, it was a "political" gesture. It was not set up with the thought in mind that right-wing candidates would profit. Of course a college or university can adjust its calendar any way it wants—two weeks on, two weeks off; close in the winter and stay open in the summer (which makes some sense up here in Massachusetts); by semesters, quarters, or trimesters—but all calendars on the Princeton Plan were changed identically as part of a panic syndrome.

To one who has spent most of his working life in the academy, this lack of courage is—sad to say—hardly startling. But beyond that, there was an amazing lack of intelligence involved in sponsoring the plan. The notion that were students given a week off to work in elections, they would in fact work in elections is simply naive. Most students, like their elders, are non-political, and there is no provision in the Constitution that anyone has to be political. One of the things that helps to stabilize our society is that at any given moment Americans are not jumping up and down—a wholly politicized society would be a lunatic asylum.

But there is even more to it than that. People talk of politics as a "game," or an "art," even a "science"—in fact politics is a form of religious behavior. Once one gets caught in the net, he enters a different world, he finds his every waking minute devoted to his constituency, or his potential constituency. He may in fact float off into a world of his own, dominated by a private relevation that the masses are waiting for him. (How else can one explain the political sleep-walking of such otherwise intelligent men as Harold Stassen, Kenneth O'Donnell, or Theodore Sorensen?)

Some young people catch the bug—Gene McCarthy has a fine group of dedicated enthusiasts—but for most it is foreign territory. The latter arrive at headquarters armed with their impressive intellectual credentials, usually expecting to be named field marshals—and some maniac hands each a list of a thousand voters to be contacted and offered rides to the polling place. Money is needed, so they are asked to do a house-to-house canvass of the Democrats (or Republicans) inviting contributions. Most make one or two hesitant pitches and quit; the one with the bug hits them all and often discovers that the party faithful are delighted to see him, glad to learn their party is in business).

Politics is a "love it or leave it" proposition. Those who love it need no Princeton Plan; those who do not will never be turned on by such an institutional arrangement.

FAILURE OF DEPARTMENT OF DEFENSE TO COMPLY WITH ENVIRONMENTAL POLICY ACT

Mr. PROXMIRE. Mr. President, the distinguished Senator from Michigan (Mr. HART) has just written a letter to the President complaining, properly, that a number of executive agencies had failed to comply with the National Environmental Policy Act. They had failed to file the required environmental impact statements.

The law states that "all agencies of the Federal Government shall * * * include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on * * *" a number of important issues, such as the environmental impact of the proposed action, adverse effects which cannot be avoided, and possible alternatives to the proposed action.

The fact is that the many agencies have failed to comply with the law. Senator HART specifically mentioned the Federal Power Commission, the Departments of Commerce, HUD, and HEW, and the CAB and TVA.

This is important. If the Federal Government fails to set an example in the environmental field, how can it in good faith require the States, cities, and private industry or ordinary citizens to stop pollution. The first rule of those who enforce the law or make the law is to obey the law.

DEFENSE FAILS TO COMPLY

But even worse than Senator HART'S examples is the fact that the Department of Defense has failed to comply with the law. This is important because the Defense Department is responsible for about 80 percent of the pollution caused by the Federal Government. That is due mainly to the fact that the Defense Department is the biggest department in the Government, spends the most money, owns the most real and personal property, and operates the main bases and installations owned by the Federal Government. It is true because dollar for dollar its activities have a much higher pollution potential than, say, the Treasury Department which spends billions to finance the national debt but which causes no or little pollution as a consequence. Thus, it is a fact of life that the DOD is the biggest polluter because of its size and the inherent nature of its activities—and I am speaking of its nonwarfare activities.

Except for a few reports filed by the Army Corps of Engineers—and those were on basically civilian projects—the DOD did not comply with the act on a single major proposal made to Congress this year for new legislation and new authority for procurement.

If the largest department of the Federal Government can flout the law, how can the Federal Government have credibility when it requires others to stop pollution?

ENFORCEMENT POSSIBLE

It is time for the President, for Secretary Laird, and for Mr. Train to enforce the law. The law is clear about what is required. It is not ambiguous. Mr. Train should insist on reports. If he fails to get them, he should go to the President for backing. The President should back him up. In those circumstances, I am convinced that every agency of the Government will file a report as required by the law when Mr. Train insists on it and the President backs him up. If they do not under those circumstances, the President should remove the offender and make certain the act is complied with. For all those who say there is no way to enforce this act, that is the clear and direct way to do so. The President can do it if he will.

I ask unanimous consent that an article published in the New York Times today be printed in the RECORD.

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

HART PRODS NIXON ON ENVIRONMENT ACT

(By E. W. Kenworthy)

WASHINGTON.—In a letter to President Nixon today, Senator Philip A Hart said that several executive agencies were undermining the effectiveness of the National Environ-

mental Policy Act by failing to file required "environmental impact" statements.

The Michigan Democrat, who is chairman of the Subcommittee on Energy, Natural Resources and the Environment of the Senate Commerce Committee, told the President that the alleged failure "is especially discouraging in light of prevailing expectations for the effective use of the act in the cause of environmental preservation."

The National Environmental Policy Act, whose principal author was Senator Henry M. Jackson, Democrat of Washington, chairman of the Interior Committee, was signed last Jan. 1 by Mr. Nixon—somewhat reluctantly, according to some officials.

It establishes the three-member Council of Environmental Quality in the White House.

It also requires every executive agency, when rcommending legislation and "other major Federal actions significantly affecting the quality of the human environment," to file with the council a statement of the environmental impact that a proposed action would have. The statement, to include alternatives to the recommended action, is required to be made public.

A TYPICAL EXAMPLE

The act further requires that, before filing a final statement with the council, an agency submit a draft of its proposed "impact" statement to other agencies that have legal jurisdiction or expertise in environmental matters.

Senator Hart told the President today that "a typical example" of disregard of the act's requirement was the failure of the Federal Power Commission to file impact statements on five major hydroelectric plants it had licensed.

"Other agencies which have yet to file final statements," Mr. Hart said in his letter, "include the Departments of Commerce, of Health, Education, and Welfare and of Housing and Urban Development, the Civil Aeronautics Board and the Tennessee Valley Authority."

Most significant, according to Mr. Hart, was the failure of the authority to submit an impact statement before beginning construction last July of a $155-million pump storage hydroelectric project on Raccoon Mountain near Chattanooga.

Senator Hart's criticism paralleled that by the Center for Study of Responsive Law, headed by Ralph Nader, the consumer advocate.

On Oct. 30, the center wrote to Russell E. Train, chairman of the Council on Environmental Quality, urging him to reject as inadequate the impact statement submitted by the Department of Transportation in connection with the Federal Aid Highway Act of 1970 and the Highway Trust Fund Extension Act of 1970.

The Council of Environmental Quality is aware of the mounting dissatisfaction in Congress and environmental groups over observance of the act, which Senator Jackson said was meant to be "action-forcing." The council's members are not satisfied themselves, but they make several points.

First, as Gordon J. MacDonald told the Atomic Industrial Forum last Monday, the council does not have the staff to process the impact statements as thoroughly as it would like. Already, he said, it has received about 200 such statements.

Second, Mr. MacDonald said, the act gives the council no power to veto inadequate statements, and the agency submitting the statement has the final authority for taking the action it proposes.

Third, as Mr. Train told a Joint Economic subcommittee at hearings on the supersonic transport last May 18, the council has decided that it does not even have the authority to require an adequate statement, or indeed any statement at all, from a recalcitrant agency. All the council can do, he said, is to ask the President to order the agency to satisfy the law's requirements.

Fourth, as Mr. MacDonald said this week, the act contains "value" words. What, he asked as an example, is a "major" action?

PROTECTION OF ENVIRONMENT OF THE FAR NORTH

Mr. STEVENS. Mr. President, I ask unanimous consent to have printed in the RECORD an article which was recently released in Anchorage, Alaska. Atlantic Richfield Co. and Humble Oil & Refining Co. are to be complimented for their efforts in developing new techniques for protecting the environment of the Far North.

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

DEVELOPING NEW TECHNIQUES FOR PROTECTING THE ENVIRONMENT

ANCHORAGE, ALASKA.—Atlantic Richfield Company and Humble Oil & Refining Company today announced a "major step forward in environmental protection" of vital tundra ground cover on the North Slope of Alaska, where they discovered oil in 1968.

The two companies said a pioneering, large-scale experimental effort to find hardy varieties of grasses for reseeding the tundra had successfully established four seeds which survived the bitter Arctic weather and germinated. The seeds are now commercially available, the announcement said.

"After more than 15 months of intensive investigation and observation we believe we have the seeds, in combination with fertilizers, which will revegetate disturbed tundra areas in the Arctic plains of the North Slope," said Dr. Paul A. McKim, a vice president of Atlantic Richfield and its ARCO Chemical Company Division.

"In some cases," McKim said, "the induced grasses grew more rapidly than surrounding natural tundra."

ARCO Chemical scientists, in cooperation with the University of Alaska and the Naval Arctic Research Laboratory, were operators for the research project which began near Prudhoe Bay in the spring of 1969.

Project evaluation continued through the spring and summer of 1970 with the participation of 13 additional oil companies active on the North Slope, most of which are involved in the development of the Prudhoe Bay Field. In addition to ARCO and Humble, the companies are: Amerada Hess Corp.; BP Alaska, Inc.; Continental Oil Co.; Getty Oil Corp.; Louisiana Land and Exploration Co.; Marathon Oil Co.; Mobil Oil Corp.; Pan American Petroleum Corp.; Phillips Petroleum Co.; Placid Oil Co.; Standard Oil Company of California; Sun Oil Co., and Union Oil Company of California.

McKim, of Philadelphia, Pa., and Ralph F. Cox, Alaskan manager for Atlantic Richfield, told a news conference here:

"These findings can have a far-reaching effect on the development of natural resources and of the economy of the state of Alaska in that they establish a sound method for prompt restoration and growth of a basic ground cover, now and in the future. It is a major step forward in environmental protection in the Arctic regions."

The tundra, it was explained, acts as an insulating medium which keeps an underlying layer of water-saturated soil (permafrost) frozen during the normal summer thaw. Disturbance of the tundra, which has a poor fertility factor and a very short growth cycle, could cause this substrata to melt and start erosion.

As a result of the research, McKim said, ARCO Chemical now has two "tundra restoration systems" ready for application, using combinations of two or more of the successful seeds and the fertilizers. One system is for general spring-summer application, the other for dormant seeding later in the year with growth the following spring.

Both systems, he said, have already been tested in actual useage—the first for restoring 30 acres around the new ARCO-Humble base headquarters at Prudhoe Bay and the second for a similar sized area for another oil company elsewhere on the slope.

The ARCO vice president said research work was continuing to try to obtain an even higher rate of germination and seed yield of the induced grasses, as well as striving to encourage natural grasses to spread themselves back into disturbed areas. "We have high hopes for even greater success, particularly in spreading of the natural grasses," he said.

Albert C. Condo, Jr., ARCO Chemical manager of protective engineered systems, in charge of the Alaskan research project, said that more than 100 varieties of winter-hardy seeds from the U.S., Canada and several other countries were studied for possible use before 13 were finally selected for the reseeding experiment. They were sown by hand in May, 1969, on a 900-by-800 foot section of disturbed tundra nine miles west of the Prudhoe Bay base camp. In the winter, temperatures dip to as low as 60 degrees below zero in that area, 390 miles north of Fairbanks.

Condo, who divides his time between Philadelphia and Alaska, explained that efforts to use natural tundra seeds for reseeding were ruled out, at the outset, because the natural tundra was "an unreliable source of seed, year after year." In the spring of 1969, he noted, "no adequate natural seed supply was available, and this deficiency seems to occur in some years from time to time." Further, he said, agronomists would risk damaging tundra to go out and harvest seed during the thaw season, which would be counter to their ultimate intentions.

In addition to sowing the 13 seed varieties, agronomists at ARCO's Fort Madison, Iowa, agricultural fertilizer complex developed special fertilizers to counter soil deficiencies. Condo said the soil underlying the tundra was found to be greatly lacking in nutrients necessary to plant growth and development.

Thus, Condo continued, the seeds were sown equally in two sections—one fertilized, the other unfertilized—for control and evaluation purposes. In addition, a few small plots were sown with seeds treated with a special growth inducing hormone, giberellic acid. Fertilizer was applied at the rate of 600 pounds per acre.

The researchers were encouraged by growth in two seed varieties in the few weeks before winter freeze over. The best growth was found in the fertilized plots, with mixed results in growth hormone units. More research is required, Condo said, to evaluate effects of growth hormone applications to the seeds.

During March-May, 1970, Condo went on, six random frozen cores were collected from each of the 13 fertilized plots and placed in a lighted building at Prudhoe Bay where the temperature was raised 10 degrees a week over a 49 day period, simulating the growing season. Of the 13 seeds, the two which exhibited best growth earlier continued to grow. Surprisingly, two others which had not previously demonstrated growth, grew well, having remained dormant until that time. The "winter survival tests", Condo added, "were critical to the future of the program."

In August, 1970, the original plots were reexamined after completion of a full year of growth and the growth patterns of the successful seeds were confirmed. These seeds—Red Top, Creeping Red Fescue, Brome, and Canada Blue—all were obtained from Northern Canada, and they—together with special fertilizers and annual cover crop seeds—form the initial restoration crop.

The two 1970 findings were those supported by the 15-company group, Condo noted, adding that they are continuing participation in additional seed research projects.

The successful grasses reached heights ranging to five and one-half inches before the first snows of the summer at Prudhoe Bay, in late August, began covering them for the long winter to come.

In conclusion, McKim said that the "successful results of the tundra research are illustrative of the continuing and ever-growing concern of the petroleum industry for preservation of the ecology of the North Slope, the state of Alaska, and the 'Lower 48', as well as other parts of the world. We will strive to preserve and enhance natural resources wherever we operate."

VIETNAM WITHDRAWAL TIMETABLE

Mr. CRANSTON. Mr. President, in remarks made at the Air Force Academy yesterday, General Ky said:

In my opinion, all American ground troops should be able to leave Vietnam by the end of 1971.

Although it is comforting and encouraging for the American people to hear such statements, they must be cataloged in a very thick album entitled "Opinions, Pledges, Rumors, and Hopes."

As of today, President Nixon has not announced an official, public timetable for the withdrawal of all American troops from South Vietnam.

In an important editorial published today, the Los Angeles Times presents the Nixon administration with the ultimate consequence of its Vietnam strategy: the prolonged presence of American ground troops on the Indochinese peninsula. I believe this consequence is unwise, unsound—and very dangerous.

The objective must be the safe and systematic withdrawal of all American troops within at least a year and a half.

I ask that editorial entitled "The Acceptable Level is Zero" be printed in the RECORD.

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

THE ACCEPTABLE LEVEL IS ZERO

The war continues.

At lesser intensity, to be sure. Only 31 Americans died in Indochina last week. That is much better than 100, or 400. Whether it is a satisfactory statistic depends on your point of view.

The South Vietnamese are undoubtedly stronger than they have ever been. Vice President Nguyen Cao Ky, touring this country, predicts the role of the United States in Vietnam will be over "very soon." The South Vietnamese are preparing in their Vietnamese way for presidential elections next year.

The North Vietnamese have been active in Laos and Cambodia. Their infiltration into the Annamite chain of mountains has risen after a wet-season slump. To what purpose, no one outside North Vietnam claims to know.

President Nixon is pledged to remove all but 284,000 American troops from Vietnam by May. Whether that is a satisfactory statistic also depends on your point of view.

It is rumored that the President hopes to get all but 50,000 American troops out of Vietnam by the summer or fall of 1972. It is a very plausible rumor. But it remains only a rumor.

If any secret movement toward a negotiated settlement is present in the talks at Paris, there is certainly no public sign of it. Hanoi's public statements have been implacable. It looks as if Hanoi has decided it has more to lose than to gain by negotiating, at least until it can try to strengthen its position by more fighting in the winter dry season. The President's October peace proposals were serious and flexible. But their success depends on the willingness of the North Vietnamese to take them up.

If, as it now appears, the North Vietnamese are not taking them up, what will the United States do? Apparently pull most of the troops out—preferably but not certainly by late 1972—and leave the remaining troops, partly as support, partly as protection, in enclaves around Saigon and maybe a couple of other cities. This policy, should it be the policy, would still leave the United States as a kind of guardian for an anti-Communist South Vietnam, and for an indefinite period.

Now this policy is, of course, much, much preferable to the Johnson Administration's pursuit of elusive victory. This policy does offer a "winding down" of the war. But the trouble with it is that it still leaves the United States in Indochina, entangled with the South Vietnamese government and vulnerable to decisions made in Hanoi and Saigon.

If one accepts the proposition, as we do, that the United States has already done all—and more than—it can reasonably be expected to do for Vietnam, then the quickest, surest and probably safest way out of Vietnam is for the President to announce a deadline for removal of all American troops, combat and support, according to a swift schedule, leaving behind the promise of money and material. If such a deadline hastened negotiations, so much the better. If not, then the United States would at least no longer be dependent for its departure on decisions made in Saigon or Hanoi.

The South Vietnamese say they are almost ready to stand on their own feet. Even if the President sets a deadline, it would probably take a year and a half or so to get all Americans out. If at the end of that time the Vietnamese are not ready, when will they be?

BONDS BETWEEN WICHITA STATE AND MARSHALL UNIVERSITY

Mr. DOLE. Mr. President, the Nation has been shocked twice in recent weeks by airplane crashes involving college football teams.

First Wichita State University in Kansas and then Marshall University in West Virginia were struck with tragic accidents, each of which established a new high in collegiate air crash deaths.

In the wake of these crashes the individual and collective response has been heartening and a source of convincing evidence that the American people have lost none of the compassion and openheartedness for which we are so widely known.

On Tuesday, November 17, John Chancellor, in a report on NBC radio, discussed the bonds which have been forged between Wichita State and Marshall and the people who have been touched by the loss of their colleagues, classmates and friends. I ask unanimous consent that the transcript of Mr. Chancellor's report be printed in the RECORD.

Wichita State and Marshall University in West Virginia are two small American schools that never had much contact—until the two campuses were bound together by tragedy last weekend, when a chartered plane crashed. And now, in the aftermath, the two communities are determined to do something about it, to make the tragedy mean something; I'll have a report on this in a minute.

The Country was shocked and saddened earlier this year when a chartered plane crashed in the Rocky Mountains, killing the players and coaches of the Wichita Football team; and the country was shocked and saddened last weekend, when a similar crash wiped out the Marshall University team, its coaches, and some prominent citizens. The Federal Aviation Agency is investigating, and presumably, it may be a little safer today to fly in a chartered aircraft, but that's not much comfort to the hundreds of bereaved parents, relatives and friends of those who died in the crashes.

But an interesting thing is happening, which will bind the two campus communities together. The people at Marshall University, in their hour of grief, got a phone call from the people at Wichita State—a call offering help, and advice on how to deal with the particular problems of such a tragedy.

There is more: in a few days several people will arrive in Huntington West Virginia, from Wichita State, to help out right there where the problems are.

And the two schools are beginning to work together on plans for a memorial for the dead in the two plane crashes. They are looking for something which they can do together—perhaps a safety institute.

And they are tinkering around with the idea of staging a special football game somewhere at the end of this season, maybe a special pro game or a college game, to pull in more money for the memorial.

All of which, as I say, is a remarkable demonstration of how people can work together in this country—and *do* work together. It is too often true that tragedy proceeds this kind of cooperation, but tragedy shouldn't blind us to the lesson in humanity we can learn from these two communities.

For example; Marshall is located at Huntington, West Virginia: three of Huntington's busiest doctors and one of its dentists died in the crash. Replacements are going to be found for them; a small community suffers more than a big one in a tragedy like this, and the people at Wichita State know that.

They know it so well that they have decided, at Wichita State, on a truly remarkable piece of charity: a big benefit is being planned for Wichita State—they are trying to arrange for what they call a "Shower of Stars", and they hope to raise a lot of money, perhaps 150 or 200 thousand dollars. And Wichita State has promised Marshall University a fifty-fifty split on the proceeds. Marshall University didn't ask for the money, and the officials there were stunned and delighted and amazed when the phone call came through. In a country that is supposed to be hung up on the pursuit of the mighty dollar, that is a remarkable demonstration of pure generosity.

THE STATE OF THE FEDERAL JUDICIARY

Mr. ALLEN. Mr. President, the Federal judicial system is in trouble. I have recently returned from Alabama, and few subjects were more frequently raised or evoked more criticism and expressions of concern than the role of the Federal judiciary in our federal system of government.

One reason for this situation is that anomalies in the system are apparent on every hand. They are evident in the exercise of Federal judicial powers un-

related to the judicial function; they are evident in the process by which the Constitution has been converted into an instrument for social and economic reforms in areas in which Federal courts have no special competence or proper authority; and they are evident in grotesque distortions of the equitable powers of Federal courts. All of these matters are of great concern to the people of Alabama and to the people of all States; but none of these are more directly related to the first responsibility of government to provide protection of life and property and maintain peace and tranquility than judicial incompetence so evident in the administration of criminal laws by our Federal courts.

Mr. President, on August 10, 1970, Chief Justice Warren E. Burger addressed the American Bar Association on "The State of the Federal Judiciary." In this address the Chief Justice called upon members of the bar, including judges, to explore the problems and debate the issues presented in his address toward the end of effecting improvements in the judicial system.

In this connection, Mr. President, Hon. Douglas S. Webb, Circuit Court Judge of the 21st Judicial Circuit of Alabama, responded to Justice Burger's request for participation in this dialog.

Judge Webb is one of Alabama's most distinguished judges with a long and outstanding career as a defense attorney and as a circuit court judge who must deal on a practical day by day basis with the effects of Supreme Court rulings as they relate to the processes of apprehension, trial, and conviction and post conviction appeals of criminals. Judge Webb was kind enough to send me a copy of a letter he had written to the Chief Justice on this subject and a copy of his observations and conclusions concerning certain fundamental concepts which must be faced if we are to expect any substantial improvement in the Federal judicial system. I am of the opinion that Members of the Senate and the public in general will greatly profit by reading the persuasive opinions of a distinguished trial judge on this problem.

Mr. President, I ask unanimous consent that Judge Webb's letter together with his observations entitled "The State of the Judiciary—A State Trial Judge's View," be printed in the RECORD.

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

STATE OF ALABAMA,
Brewton, Ala., October 15, 1970.

Hon. WARREN E. BURGER,
Chief Justice, Supreme Court of the United States, Washington, D.C.

DEAR MR. CHIEF JUSTICE: On August 24, 1970 in an address to the American Bar Association you placed squarely on the members of the bar and upon all judges the burden of judicial improvement. At that time you stated that you hoped by your remarks to provoke debate and even controversy over the things mentioned by you to explore and test what you had to say.

Please find enclosed the observations of one state trial judge that has the somewhat dubious honor of having nearly 4000 prison inmates in his judicial circuit plus the responsibility of a normal judicial load of trial work for my circuit. Needless to say, I am writ-happy with no end in sight. In addition I have a unique opportunity to hear of the "rights" of defendants to such a point that I wonder sometimes if anyone other than a law violator has any "rights."

For some fourteen years in private practice I represented defendants in both state and federal courts. Despite this record as strictly a defense attorney, I find that I have a tendency to become jaded with a tactical situation where an accused at public expense enjoys a trial on the merits; appeals; files a writ of habeas corpus; appeals; files a writ of error coram nobis; appeals and continues in this vein in both state and federal courts in infinitum. Even the "rights" of a defendant should be assuaged at some point in our judicial system.

In any event I trust that you will find the enclosed observations of interest in your splendid efforts to improve the judiciary. I share your concern over the present state of the judiciary and feel as you do that this subject should be discussed frankly and bluntly.

Very truly yours,

DOUGLAS S. WEBB.

THE STATE OF THE JUDICIARY—A STATE TRIAL JUDGE'S VIEW

On August 10, 1970, Chief Justice Warren E. Burger delivered to the American Bar Association in St. Louis, Missouri a message entitled, "The State of the Federal Judiciary." This message was heard and read with great interest not only by the bench and bar of America but by a majority of the citizens of our nation.

In his message Chief Justice Burger stated: "I hope I can provoke debate, even controversy, over these things, to explore and test what I have to say." He further said: "Today I place this burden squarely on you, the leaders of the legal profession, and on all judges."

It is with the above admonition in mind that I, as one of a multitude of State trial judges, would like to submit the following observations concerning "The State of the Judiciary." I trust that these observations will be accepted in the spirit offered—as the comments of Justice Burger to provoke thought and aid in the ultimate improvement of the legal profession as a whole and in the strengthing of both the State and federal judicial systems. While such observations are born as the result of great personal concern on the part of the writer, I can't help but feel that such concern is shared in some degree by many of the State trial Judges of America today.

In general there can be no argument with the suggested improvements sought by Justice Burger in the methods, machinery and procedures to be followed in the federal courts. Such changes were suggested by present members of the federal bench upon receipt of a request from Justice Burger soliciting such suggestions and comments. I do not take issue with Justice Burger's suggestion that more trial judges are urgently needed in the federal system. However, I do take serious issue with the conclusion reached in this address that such suggested changes will cause the people of our nation to believe that the law in the larger sense can fulfill its primary function to protect them and their families in their homes, at their work and on the streets of our nation. The fallacy in this conclusion is apparent when one stops to realize that under our federal system the trial courts of the various states—not the federal judiciary—are charged with the primary responsibility in the criminal area. It is indisputable that the vast majority of all trials, civil and criminal, are held at the state level, not at the federal level of our judicial system. Hence, such suggested changes in the federal system alone could not possibly act to protect our people at work, in the home and on the streets of our nation.

It is further the conviction of the writer and many other trial judges (who represent the foot-soldiers of our judicial system) that in order to restore the shaken confidence of the people of our nation in our judicial system and in its ability to protect them that there must be a great if not a radical change in the present judicial climate of America. Coupled with this is a desperate need for careful re-examination and re-evaluation of the end results sought to be attained by the proper functioning of a judicial system in any complex organized society. This is especially true with reference to the field of criminal law.

Perhaps because all criminal actions are brought by and in the name of the State as a legal entity, our courts and the press of our nation have evolved a defendant oriented system of justice whereby the victim of such criminal conduct and his family are at present almost completely ignored on the scales of justice. As a result volumes of words are poured forth daily in defense of the law violator or in mitigation and justification of his criminal conduct with little or no concern being displayed by the courts or the press for the law-abiding, tax-paying, God-fearing victim of such crimes or his immediate family. Little or no consideration is given to the fact that such a victim may too have been the product of a broken home, the resident in a Ghetto or represent a minority race in our society. It is ironic that because such a citizen has chosen to be a law-abiding decent citizen little concern is demonstrated by the press and news media with reference to his plight as the direct result of an attack by one who has refused to live within or abide by the rules of an organized society.

It is this state of affairs that has resulted in witnesses to criminal acts refusing to come forward; citizens refusing to aid and assist the policemen on the beat in the performance of his duties; citizens abjectly refusing to become involved even though a fellow citizen is murdered in cold blood in their presence or on their door-step; and citizens, of all walks of life, seeking to evade or dodge jury duty and other like public responsibilities. Today it is approaching a consensus that a citizen has everything to lose and little to gain under our present philosophy of law in performing their acknowledged public duties. Needless to say, such an attitude carried to extremes in the field of law can for the most part ultimately render the forces of law and order impotent.

In seeking to balance the scales of justice, it never seems to occur to the perennial bleeding hearts of our nation that the victim of a crime as well as the perpetrator of such crime was endowed under the constitution of our nation with rights that have been deliberately and horribly violated. After all, according to the Declaration of Independence, such a victim was endowed by both God and country with the right to life, liberty and the pursuit of happiness. Many citizens of our nation today believe that the time has come for the news media and appellate courts to give more consideration, sympathy and understanding to the raped and reviled; robbed and defiled of America—and less to the law violator.

To many dedicated men in the field of law enforcement today it appears that the Marquis of Queensberry rules governing criminal proceedings employed by the courts in recent years act only to protect the law violator to the detriment of the victim and general public. Under such rules men in this field have seen admitted felons freed; a constitutional moat created and thrown around the use of a public phone booth by members of organized crime; a test of the totality of the circumstances utilized to free an accused while this test is seemingly ignored by the

courts in the determination of the ultimate question before the court of guilt or innocense; a fleeing criminal rewarded by having his crime expunged from the records and prosecution for such crime enjoined. In addition they have seen our post-conviction proceedings so expanded that in the criminal field there is simply no end to litigation so long as the accused remains incarcerated. In the application of such rules it seems that counsel is presumed to be incompetent; trial judges bigoted or derelict and jurors biased. The discovery of such precepts at a time in our nation's history when only 12% of all reported major crimes end in arrests, 6% lead to convictions and only 1% to prison is indeed unfortunate for our people.

In speaking to the American Bar Association Justice Burger pointed out the importance of our maintaining our links with the past and carefully building on those foundations. As stated by him such foundations represent the result of thousands of years of human experience in the evolution of the law. I believe it is time for our nation to recall and consider again such experience as reflected in the writings of John Stuart Mill in 1863:

"The idea of justice supposes two things; a rule of conduct, and a sentiment which sanctions the rule. The first must be supposed common to all mankind, and intended for their good. The other (the sentiment) is a desire that punishment may be suffered by those who infringe the rule. There is involved in addition, the conception of some definite person who suffers by the infringement; whose rights (to use the expression appropriated to the case) are violated by it.

"I have treated the idea of a right residing in the injured person, and violated by the injury, not as a separate element in the composition of the idea and sentiment, but as one of the forms in which the other two elements clothe themselves. When we call anything a person's right, we mean that he had a valid claim on society to protect him in the possession of it, either by force of law, or by that of education and opinion.

"Justice is a name for certain classes of moral rules, which concern the essentials of human well-being more nearly, and are therefore of more absolute obligation, than any other rules for the guidance of life; and the notion which we have found to be of the essence of the idea of justice, that of a right residing in an individual, implies and testified to this more binding obligation.

"The moral rules which forbid mankind to hurt one another (in which we must never forget to include wrongful interference with each other's freedom) are more vital to human well-being than any maxims, however important, which only point out of the best mode of managing some department of human affairs. They have also the peculiarity, that they are the main element in determining the whole of the social feelings of mankind. It is their observance which alone preserves peace among human beings; if obedience to them were not the rule, and disobedience the exception, every one would see in every one else an enemy, against whom he must be perpetually guarding himself. What is hardly less important, these are the precepts which mankind have the strongest and most direct inducements for impressing upon one another."

Mill concluded with these words:

"The same powerful motive which command the observance of these primary moralities, enjoin the punishment of those who violate them."

With these profound thoughts of John Stuart Mill in mind it is interesting to observe that in our present judicial atmosphere the word "punishment," is seldom heard. Penologist today speak only of "deterrence," and "rehabilitation," not punishment. The once generally accepted idea that: "Punishment, soundly conceived and temperately applied is a therapeutic agent of the first order," has today almost compeltely faded from the judicial scene. It has been replaced with a nauseous clamor for understanding of the criminal in our midst, his economic origin, social life and varying theories on why such criminal might have been motivated to commit his heinous crime in the first place. The Havoc reaped by the victim of such crime and his immediate family is seldom if ever mentioned in the press. The undeniable constitutional right of such a victim to be protected by our society from all such criminal acts is for the most part largely ignored or played down.

No, Mr. Chief Justice! With all due respect, a change in methods, machinery and procedures, without much more, will not act to restore the confidence of our people in our present judicial system and its ability to perform its primary function of protecting society from the ravages of its criminal element. It is certainly time for this subject to be discussed by the judiciary of our nation; the legal profession and our people frankly and bluntly. As with any disease affecting our society before a cure can be forth-coming it is paramount that we first must correctly diagnose the root causes of such disease. For law and order, the hour is late.

Respectfully submitted on this the 15th day of October, 1970.

DOUGLAS WEBB,
Circuit Judge.

REPORT ON THE F–111

Mr. GOLDWATER. Mr. President, since its very inception, the F–111 aircraft program has been plagued with confusion over its progress and status. Because of this, I arranged some time ago with Mr. J. T. Cosby, vice president of General Dynamics in charge of that company's F–111 aircraft programs, to supply me with periodic reports on the plane's progress. The latest of these reports was received on October 28, 1970, while the Congress was in recess. It shows that the producing company has proof tested the 200th F–111 airplane at −40 degrees Fahrenheit and without incident. It further shows that General Dynamics has delivered 110 proof-tested F–111 airplanes up to this time.

Because of the report's interest to Members of the Senate, I ask unanimous consent that it be printed in the RECORD.

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

GENERAL DYNAMICS,
Fort Worth, Tex., October 28, 1970.

Hon. BARRY GOLDWATER,
Senate Office Building,
Washington, D.C.

DEAR BARRY: It's time for me to give you another report on the progress of the F–111 program.

Yesterday the Air Force board appointed to investigate the FB–111 accident on October 7 at Carswell released its findings. These findings give the F–111 a clean bill of health.

Today we proof tested the 200th F–111 airplane at minus 40° F. As usual, it was without incident.

We have delivered 110 proof tested airplanes; 78 to TAC, 28 to SAC, and four to test agencies. I believe that we will deliver approximately 40 airplanes from the three mod centers (Fort Worth, Waco, and Sacramento) this month. We are essentially on the schedule we committed to the Air Force last April.

The 20th Tactical Fighter Wing at Upper Heyford, England, now has 12 F–111E's. These are an important element in supporting our NATO commitments. A full wing of F–111E's will eventually be based at Upper Heyford.

We recently completed our 43d flight with the Short Range Attack Missile (SRAM). This is one of the weapons which the FB–111A (SAC) is equipped to carry. We have made seven live launches. This is substantially on schedule.

I continue to get good reports from the using agencies. The flight crews and the maintenance crews like the airplane.

I am much encouraged by the inclusion of 24 F–111F's in the fiscal year 1971 budget. I believe this represents an understanding by our Congress that we need this kind of weapon. The fiscal year 1971 buy will complete the fourth TAC wing. The last production airplane on that buy will deliver in July 1972. We have no additional orders beyond that point. Nor do we have orders for SAC FB–111A's beyond No. 76 which delivers in April 1971. This leaves the Air Force two wings short of its stated TAC requirements and 10 squadrons short of its stated SAC requirements. I hope there is a way to impress our leaders and our public that we do have a serious hole in our deterrent posture that should be filled.

I will continue to keep you posted.

Meanwhile, best wishes,

J. T. COSBY,
Vice President.

THE NEED TO SHOW PERSONAL CONCERN AND RESPONSIBILITY IN INTERNATIONAL PROBLEMS—RATIFY GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, one of the most overwhelming and complex problems that face our country today and pervades every element of our society—is the loss of individuality. This sense of loss of personal identity has diminished the ideal of personal commitment. One hundred years ago the test for the American people was whether the ideals and principles on which this Nation was created could be extended to all. Now, 100 years later, the issues are relatively the same. The scope, however, is worldwide. It is this sense of largeness which contributes to the confusion and sense of frustration of our own time.

But the enlargement of scale in the century since the Civil War has taken many issues out of the area of direct personal understanding and involvement. Ours is a time when many things are just too big to be grasped—too overwhelming to seem solvable.

Robert Kennedy once eloquently said of this situation:

When things are done on too vast a scale, the human imagination bogs down. It can no longer visualize such fantastic things and thus loses its grip on their essential reality. Killing one man is murder; killing millions is a statistic. The disclosures of the Eichman trial remind us all how quickly the world has forgotten the massive horrors which one set of human beings perpetrated against another a short twenty years ago.

Our problems, having grown to the size of the world, if not of the solar system, no longer seem our own. Each day we are required to respond to new crises created by people whose names we cannot pronounce in lands of which we have never heard. After a time, the capacity to respond begins to flag.

And yet, the stake is just as personal today as it was a century ago, the obligation just as personal, and the capacity to change the course of history just as great.

We react to a gruesome and tragic murder but have become anaesthetized to the toll of Vietnam war dead. A treaty stating our country's desire to outlaw genocide has languished in the Foreign Relations Committee for nearly 20 years. How can we forget that 6 million Jews were killed no more than 25 years ago? We need to change this sense of self-indulgent frustration and to work out new ways of fulfilling our personal concern and our personal responsibility. The Senate of the United States needs to share this responsibility and ratify the Genocide Convention to show the international community our personal concern and commitment that what happened in World War II should never happen again.

NORTH ATLANTIC ASSEMBLY

Mr. STEVENS. Mr. President, I was privileged to have the opportunity to attend, for the second time, the North Atlantic Assembly held this month at the Hague. My close friend and colleague, the distinguished Senator from my neighbor State of Washington (Mr. JACKSON) presented an excellent paper before the Military Committee of the North Atlantic Assembly. The Senator entitled his presentation "The Strategic Equation and a Bolder Kremlin."

I ask unanimous consent that his presentation be printed in the RECORD.

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

THE STRATEGIC EQUATION AND A BOLDER KREMLIN

(By Senator Henry M. Jackson)

I.

Many people in recent years have believed that the changing strategic relationship between the Soviet Union and the United States has no great significance, and that the worst of NATO's problems with the Soviets are behind us.

As you may know, I do not share this optimistic outlook.

For some time a number of us have been warning that Soviet parity with the U.S. in strategic arms—or Soviet superiority—could result in Soviet leaders undertaking a more extensive and more dangerous range of risks in the international arena. Moscow's deepening penetration of the Middle East—using Egypt as its Trojan horse—is an unpleasantly dramatic confirmation of this forecast. And the hopes of many for a speedy and conclusive round of SALT negotiations have been severely prejudiced by Soviet violations of the standstill cease-fire in the Middle East.

The somber prospect of a Soviet Union, with rapidly expanding military capabilities, increasingly disposed to throw its weight around in support of its great power interests has implications which should be weighed very seriously by members of the Atlantic Alliance.

II.

Is "parity" in strategic power the goal of the Soviet leadership, or is it only a stage in the pursuit of "strategic superiority" over U.S. nuclear power? Is the Soviet Union seeking to achieve a major shift in the worldwide balance of power hoping thereby to consolidate its own alliances and disintegrate the opposing forces?

If one assumes that "parity" is the Soviet goal, it is difficult to explain the extremely rapid growth in their land-based missile force, particularly their continuing deployment of the SS–9 missile. The Soviets, with a smaller GNP than the U.S. and a serious deficiency of consumer goods have now invested approximately $9 billion in SS–9's alone—a figure that exceeds our entire strategic offense and defense budget for FY 1971.

When the Soviets succeed in perfecting a MIRV device, each SS–9 launcher, of which the Soviets now have operational or under construction more than 300, would be capable of delivering three 5-megaton warheads at intercontinental ranges. Other potential MIRV options could add to this capability.

Moscow's build-up of land-based offensive missiles has been paralleled by an equally rapid expansion of its Y-class submarine force, and these submarines are being constructed at a rate of 8–10 per year.

Even when the Soviets were in a state of admitted strategic inferiority to U.S. power, they periodically pressed forward policies designed to advance their political interests and to undercut the security of the West. In these past probings, the strategic inferiority of Russian power has set limits to the extent of the risks that the Soviet policymakers were willing to run. Now, however, Kremlin leaders can be confident of overall nuclear equality with the United States—even a superiority in some nuclear weapons areas—and they can count on a local superiority of forces in many parts of the world.

Looking ahead, as Soviet power grows, the willingness of Soviet leaders to become involved in new areas—and their inclination not to accept diplomatic defeat, as once in Cuba—is likely to grow accordingly.

As Leonard Schapiro, one of Great Britain's most respected Soviet scholars, puts it:

". . . the Soviet Union derives increasing confidence from the sheer quantity and size of the weapons which it possesses. There has always been an almost pathological Soviet fear of actual, numerical inferiority in weapons vis-a-vis a possible enemy. Conversely, as the numbers and strength of Soviet weapons of all kinds, nuclear and non-nuclear as well, increase, so one should expect them to become bolder in their policy and more prepared to take risks."

And as the able American analyst of Soviet policy, Thomas Wolfe, points out:

"In trouble spots . . . where the presence of U.S. and Soviet military power may tend to overlap, even a slight propensity in the Kremlin to press for political gains commensurate with the Soviet Union's stronger military posture could greatly aggravate existing instabilities. Moreover, a Soviet Union advertised as the strategic equal of the United States and possessing an improved capacity to intervene in local situations would probably find itself under new pressures to come to the help of clients abroad, where previously it was excused from becoming engaged because it obviously lacked the means to do so."

The tasks of deterrence and defense stretch on ahead, therefore, as far as any of us can see—not only in the central European region but also for NATO's vital flanks.

In particular, we cannot discount the danger that the course of repression and counteraction in East Europe will produce new crises and disturbances spilling over the frontiers of NATO. Nor can we expect that a Soviet Union which brazenly exploits the tragic conflict between Arabs and Jews on behalf of historic Russian ambitions in that area, will not undertake to test Western resolve and staying power on other fronts.

Furthermore, in our efforts to ameliorate East-West tensions in Central Europe we must take care to assure that tangible benefits flowing Eastward are matched by tangible, and not merely symbolic, benefits flowing to the West. Symbols, after all, can disappear overnight while arrangements that bring forth complex geographic and economic relationships remain.

III

There is little disagreement in America about the value of the Atlantic Alliance or the importance and firmness of the U.S. commitment to the defense of the NATO area. But I and others in our Congress have had a strenuous time trying to maintain an effective American combat force in Europe.

This problem stems partly from a failure on the part of many Americans to understand why American troops in Europe are so important. The main purpose of the American troop commitment is political: to leave no doubt in the Kremlin that the United States would be involved, deeply involved, from the outset of a Soviet-inspired crisis or a Soviet move against the NATO area. It needs to be perfectly clear to the Russians that their forces would meet enough American forces to make the crisis a Soviet-American crisis, not just a European one. This means, in my judgment, that a token American force is not adequate. It should be an effective American combat force, not just something to be tripped over, but a force capable of putting up a serious fight.

The primary function of NATO's conventional forces, with their vital American component, is to meet an emergency as effectively as they can, posing the continual threat that if the emergency continues and enlarges, the risks of escalation continue and enlarge with it—in particular the risk of nuclear war. This risk of escalation is one which no one should minimize. Short of a direct attack on U.S. territory, nothing would touch a deeper psychological nerve or lead to a more immediate sense of alarm throughout my country than American and European forces jointly resisting Soviet aggression in the NATO area.

For this reason, a NATO force capable of containing a sizable attack is required. Any smaller force would tempt the Soviet leaders to test the allied will, and might one day lead to a situation in which the allies had only two choices: either to back down, or to resort to threats that would ring hollow given the inadequacy of our conventional preparations.

NATO force requirements are designed, of course, not only to contribute to deterrence and defense but also to fortify the diplomatic bargaining position of the West vis-a-vis the East. A major and as yet unachieved purpose of the Atlantic Alliance is to reach a genuine, stable European settlement with the Soviet Union. Among other things, such a settlement will involve the return of Soviet forces to the Soviet Union. How can the Soviet Government be encouraged to move in this direction? Certainly not by putting in jeopardy the bargaining position we have worked so long and hard to construct. Clearly, we should sustain that position and actively pursue acceptance of gradual and balanced revisions in forces on both sides of the Iron Curtain, recognizing the geographic asymmetries of the Atlantic security area.

If and when the Soviet Government sees an advantage in reciprocal reductions in forces in Europe, this could surely be done so as to advance the legitimate security interests of all nations concerned.

As you well know, American pressures for cuts in our forces in Europe are nourished by the widespread feeling in the United States that too many Europeans are less concerned with the security of their homelands than we are. In talking to the people this fall in many parts of our country, I was repeatedly asked: "If the Europeans on the scene are not worried enough to put up the money and the forces, why should we be concerned?" Thus signs of indifference in Europe provide powerful ammunition to Americans of isolationist inclination.

Most Americans do not expect gratitude for past U.S. help to Europe: but they do expect a fair deal. And they don't think they are getting it. I believe they have some justification for feeling this way. I cannot see that, overall, Western Europe is making a reasonably proportionate contribution to the common defense effort. The problem is bound to be of concern for Americans because of our major expenditures required to maintain a strong and safeguarded U.S. nuclear retaliatory capability and to help defend other areas in the world of importance to all free nations.

Further complicating the problem is the remarkable indifference in most European circles to the difficulties and dangers in the Middle East. From across the Atlantic it seems that too many Europeans have been too slow to come to grips with the threats to the common security that result from Soviet designs on that critical flank of NATO. This sort of unconcern, this kind of insularity if you will, further feeds the isolationist elements in the United States.

There is a lot of talk these days on both sides of the Atlantic about national priorities. All of the NATO nations have urgent homefront tasks which make heavy demands on national budgets and energies. None of us have resources to squander. But let's make no mistake about it. We won't be able to keep building better societies at home if we fail to shoulder essential responsibilities abroad.

This issue of priorities, of course, is not an either/or proposition. We should not delude ourselves with the notion that we must choose to devote resources and energies *either* to domestic needs *or* to national security. Indeed, even the term "domestic" when applied to priorities can be misleading: for nothing is more "domestic" than the survival of the people of the Atlantic nations and their freedom to decide their own destiny free from domination by any outside power.

There is something ludicrous about the notion that one kind of survival is more important than another. We must not only work for just and stable societies at home, but, together, we must maintain peace by deterring adventurism and nuclear war. Success in one of these tasks will not help us survive failure in the other.

You can appreciate that I am encouraged by the evidence that more Europeans now understand that there is a direct relationship between their willingness to draw on their own resources for their own defense, and the willingness of the American people and the American Congress to maintain a substantial American troop presence in Western Europe.

I want to commend the European Defense Ministers who at their meeting in Brussels October 1 worked out a two-pronged approach to "burden-sharing" on the correct assumption that NATO members find themselves in a variety of financial and political positions. Some members are able to strengthen their NATO committed forces, by improved training, equipment, facilities, stores, and mobility, and, in some cases, increased numbers of assigned forces. Other members will prefer to contribute more money to the common NATO defense pool to strengthen Alliance support for the American presence in Europe. Some members may adopt both approaches.

I assure you that early, concrete and substantial progress in "burden-sharing" is essential to strengthen the hand of those of us in the U.S. Congress who want to fend off unwise Congressional cuts of our troops in Europe after July 1, 1971.

So I look hopefully to the European members of the Alliance accepting a greater share of the task of protecting the NATO area. For I remain convinced that the future effectiveness of the Alliance depends in very large measure on the scope and quality of European efforts to keep NATO formidable.

U.S. METRIC STUDY MAKING WAVES

Mr. PELL. Mr. President, more than 2 years ago, I introduced a bill requiring the National Bureau of Standards to undertake a study of the advantages and disadvantages of the United States converting to a metric system of measurements.

The impact of the metric study is beginning to have its effect in commercial business circles, according to an article appearing in the November 18 issue of the Wall Street Journal.

Many people are now coming to the conclusion that I have long held that metric conversion is inevitable in this decade. I look forward to debating the need for metric conversion in the coming session of Congress when the metric study is completed.

I ask unanimous consent that the article entitled "Metric Cause Gains Mileage," published in the Wall Street Journal of November 18, be printed in the RECORD.

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

METRIC CAUSE GAINS MILEAGE—ER, METERS—FASTER THAN EXPECTED

U.S. STUDY SEEN URGING SHIFT; TARGET DATES ARE DEBATED; IS COLD-TURKEY SWITCH BEST?

(By Arlen J. Large)

WASHINGTON.—"I don't believe it's inevitable," says Thomas Hannigan. "I don't even believe it's possible."

But it seems to be both. The matter in question is a planned, coordinated U.S. switch to the metric system of measurement. Mr. Hannigan, research director for the International Brotherhood of Electrical Workers, is one of 42 members of the Commerce Department 's advisory panel monitoring the current three-year Government study of metric conversion problems. And he is lonely.

For Mr. Hannigan believes that a big majority of his advisory-panel colleagues are ready to see the nation go metric and that next August the Secretary of Commerce will strongly recommend it to Congress. Says Mr. Hannigan with a resigned smile, "I will be labeled a modern-day apostle of reaction."

August's report almost certainly will urge more metric usage, but there's hot debate about whether to set legislative goals for near-total conversion in, say 10 years. Whatever the recommendation, the Commerce Department study is showing that the metric cause in the U.S. has gathered more momentum than many people remotely suspect.

AT FIRST, ASTONISHMENT

Now two-thirds finished, the official study itself appears to be generating support for metric conversion among industry groups surprised to have become involved. What's more, the whole exercise offers a fascinating case study of the way people and institutions respond to the threat of change.

Amazement at the advanced state of metric thinking was shown at conferences held this year by the National Bureau of Standards, the Commerce Department agency running the study. The meetings, which conclude here this week, have had almost no publicity. After getting an invitation, industry groups generally consulted their member companies on what their position should be—and the first response often was shock that such a change even was being considered.

Mildred Ryan, vice president of McCall Pattern Co. of New York, told fellow conference-goers what happened when she checked with her colleagues in the sew-it-yourself business: "It didn't matter who was asked. There seemed to be this astonishment about the United States even thinking of going on the metric system."

But once they checked into it, many people discovered just how much momentum there already was. "I hadn't been following it," admits Fred Greiner, executive vice president of the Evaporated Milk Association, after attending a conference. "I found this thing is further along now than I had anticipated."

A NONMETRIC ISLAND

Douglas Whitlock, a Washington lawyer on the advisory panel, describes the response of typical conference-goers: "Your first reaction is why the hell go through all that trouble of converting to metric. Then you listen to the discussion, and you decide it's inevitable."

Congress authorized the study in 1968, spurred by Britain's decision to abandon its feet-pounds-pints system of measurement and switch to meters, kilograms and liters by 1975. Australia and South Africa have followed, and Canada intends to do so. That would leave the U.S. a nonmetric island in a world where 90% of the population measures by the meter.

The study itself has undergone change. Officials originally hoped to give Congress a sort of giant balance-sheet, totaling up the costs of conversion alongside the dollar benefits—principally higher exports. That, says Daniel De Simone, the study director, proved to be "a most outlandish expectation," since companies can't precisely estimate the impact. "We'll report our data to Congress," he says, "but it will have to be explained that it's based on very subjective judgments."

Also changed are theories on how the giant U.S. economy should make the switch. At first many metric proponents favored starting almost invisibly in the bowels of heavy industry, with engineers shaping new metric dimensions for machine tools, screws and bolts. But Mr. De Simone and others now question this.

"The British made the mistake of starting off with a whisper, focusing on industry," says the U.S. study director. "The British public didn't even realize they were going metric, and they're halfway through their transition period." He thinks that's why a recent Gallup Poll showed 57% of Britons oppose the switch. If a transition is to be made here, as says, "we should start in the retail sector as soon as possible."

British experience has shed other light on the transition technique. In an article for Scientific American magazine, the chairman of the board coordinating the British switch said it is best in some cases to start using metric units cold-turkey, without confusing the public with dual measurements. Radio and television announcers, said Lord Ritchie-Calder, have been giving temperature forecasts in both centigrade and Fahrenheit, and "the result is that everyone still waits for the Fahrenheit figure."

Among Americans, there's sharp controversy about whether a change should be merely evolutionary as each industry sees profit in a switch or whether Congress should set a time goal; sometimes mentioned is a transition span ending in 1985.

The Automobile Manufacturers Association believes there's no need for a nationally coordinated conversion, and it is urging that each industry be allowed to switch when it wants to, if ever. "We needn't be all inch-based or all metric, but should use whatever is needed to get a good economic return," says William Burton, Ford Motor Co.'s metric systems development manager.

An optional engine in Ford's new Pinto has metric measurements. To avoid assembly-line and repair-shop mixups, screws and other components in the engine are dyed blue. This underscores a key point about metric conversion: The difference between a part measured in millimeters and its seem-

ing twin measured in inches is more than just language; the parts are almost always physically incompatible.

"A FOOLISH THING"

One reason is that people like to work with round numbers. A four-inch bolt is 101.6 millimeters long; for a fabricator, the temptation is strong to shave the length to an even 100 millimeters. Thus changing the system of measurement tends to lead to a physical change in the things measured. During a transition, companies would have to keep costly dual inventories of spare parts.

It would be "a foolish thing," says Ford's Mr. Burton, to require a company to go to this expense if it felt no need to convert. It would be better, he argues, if Congress just proclaimed the general advisability of more metric usage.

But proponents of a coordinated switch contend such a proclamation wouldn't be enough to trigger a real national conversion. The scale industry, says Arthur Sanders, executive secretary of the Scale Manufacturers Association, "doesn't believe that anything's going to happen until it's made mandatory." Scale makers stand to profit from a switch if many businessmen buy brand-new metric scales instead of just converting the weight indicator numbers.

ENVIRONMENTAL POLLUTION

Mr. HRUSKA. Mr. President, I had the honor and privilege of presiding at and participating in a seminar on the environment, in Lincoln, Nebr., on October 10 of this year. The seminar members were, for the most part, college students who are highly concerned about pollution—and are terribly determined to do something about it. The interest demonstrated by these young people will, it is hoped, be multiplied by their continued activity. They were encouraged to go back to their home campuses and arrange similar seminars with students and faculty on as regular a basis as possible. It is our view that an alert and informed citizenry is one of the best weapons we can have in the war on pollution.

One of the features of the seminar was an address by Dr. A. Gordon Everett, Deputy Assistant Secretary of the Interior for Water Quality, and Research. Dr. Everett made some excellent points in his speech, but I was most impressed by his dispassionate analysis of the problem as a function of our civilization. As Dr. Everett said:

> We cannot turn out the lights, turn down the heat, lock the garage door, and walk away from this civilization.

Mr. President, I believe Dr. Everett's remarks should be available to a wider audience. I therefore ask unanimous consent that the entire text of his address be printed in the RECORD.

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

REMARKS OF DR. A. GORDON EVERETT, DEPUTY ASSISTANT SECRETARY OF THE INTERIOR FOR WATER QUALITY AND RESEARCH, AT THE NEBRASKA CONFERENCE OF ENVIRONMENTAL POLLUTION, LINCOLN, NEBR., OCTOBER 10, 1970

Senator Hruska, Ladies and Gentlemen, it is a great pleasure and privilege for me to address you today on this vital issue of public concern—the quality of our environment. During this past year, the Nation's environmental problems have been in vogue in politics and the press, but as the Senator has so aptly pointed out, the fervor over environmental problems will pass and problem and programs will remain. The problem will remain one for our society to deal with long into the future.

How has the problem come about? For the past one to two million years, as the anthropologists reckon man's time on earth, we have lived without adding up the full cost of our progress. Man has evolved in an increasingly technological society without ever counting the environmental cost.

Whenever we evaluate our economic advancement, we add in the use of the environment—for waste disposal, for raw materials, or for space—as zero. But, man's future will depend on better cost accounting.

The first of these uses of the environment to draw widespread commentary and public notice is pollution; thus it is identified as "our environmental problem;" it is but the first of many environmental problems that we will face during our lifetimes. Pollution is obviously one of the most pressing problems of today. Management of pollution will start us on the road to more comprehensive environmental management. To continue the history of man, we must now change from attempting to conquer nature to succeeding in cooperating with nature.

We cannot turn out the lights, turn down the heat, lock the garage door, and walk away from this civilization—even though there are those who might favor such an approach, at least at first impulse. They would not be numerous enough so that the remainder of us would not wreak havoc upon ourselves anyway. More importantly, we need these people of strong social conscience. We need them to place their concern in a sound context of fact so that their conscience may guide improvement of the quality of our lives and of our environment.

As you are all well aware, all too often the issues of environmental quality become polarized between the inflammatory rhetoric of protectionists and that of developers. The issues are cast into the maelstrom created by the violent tug-of-war of those who represent the alternatives. In these questions of environment and its uses, both present and ultimate, we are too frequently enveloped in highly emotional arguments which distort the issues and the alternative solutions. Sound judgment cannot be exercised in that climate.

We must not cast the discussion into a question of preserving or using our environment. We must preserve and use our environment. We do not have the luxury of preserving all nor do we have the luxury of developing everything today. Some things must be developed today—some things preserved today for use tomorrow—and other things preserved long into the future. Balance is required in judgment and in planning, in use and in preservation.

This balance is difficult to achieve. It is rarely achieved by that political compromise which does not seek optimal use and preservation in environmental matters, but seeks instead to get rid of the controversy. The best solutions require that all sides be heard, that all alternatives be considered and that the end result maximize the benefits from diverse and often competing uses insofar as is humanly possible. We are limited in our judgment based on today's knowledge and technology; thus, we must err on the side of tomorrow and the future of our environment. To do this requires a well-informed public actively participating in all phases of public decision making. Whether in pollution abatement or the expenditure of nonrenewable resources, those who promote development come armed with a well-prepared case based upon abundant data. These vested interests are persuasive in their own behalf, but we must recognize that every person has a vested interest in the quality of our environment. We must educate all parties to seek those alternatives that offer the greater opportunities for our sane and rational survival.

Our national experience of sending men to the moon may have played a large part in focusing our attention on the condition of our own planet, earth. In the photographs sent back, we cannot help but notice the amoeba-shaped smudges that represent our cities among the beautiful swirls of blue and white and green. It has given us pause to consider: "Is man becoming a planetary disease?"

What makes the astronaut's perception meaningful is that he has the advantage of standing off at a distance and seeing what is happening to the earth.

It is a little harder to perceive what is happening when you live in the heart of a great American city. It seems quite natural to breathe the stale-egg smell of sulfur dioxide. You don't mind swimming in concrete pools because you've been brought up to keep away from the polluted lakes and rivers. There's nothing unusual about spending a Sunday driving through one endless subdivision after another.

When you get stuck in traffic for an hour or two each day, you learn to live with it. When you go to a store you want the best washday detergent, no matter what its phosphate content is.

It's not difficult to understand that we have a serious environmental problem. The 200 million of us in the United States contribute an average of 139 gallons apiece of wastewater daily. Our autos each release an average of five pounds of unburned hydrocarbons each day. And, we discard over five pounds of trash every day.

Nationally, thirty million Americans still discharge raw sewage into our lakes and streams. And, forty-five million Americans still drink water that has not been tested by the Public Health Service. Over one-hundred and seventy-five million tons of waste are belched out into the nation's skies.

President Nixon expressed the national mood about these sobering realities when he said "the Ninteen seventies absolutely must be the years when America pays its debt to the past by reclaiming the purity of its air, its waters and our living environment."

Pollution is not simply an urban problem of municipal and industrial wastes. The rural community of America is, and should be, deeply involved in the fight for clean water. Agriculture is a major polluter of water. At the same time, it is highly dependent on ample supplies of high quality water to grow crops, raise livestock, operate dairies, process foods, and so on.

Agriculture uses more water than any other segment of our economy. It withdraws more water and consumes more water. Irrigation, for example, uses about 40 percent of the water withdrawn from surface and groundwater sources.

And it accounts for about 85 percent of the water consumed—water, that is, which is not available for reuse.

And in the years ahead, agriculture will require more and more water to meet the food needs of a growing population. In 1965 about 111 billion gallons a day were withdrawn for irrigation alone, and it is estimated that in 1980 the comparable figure will be 136 billion gallons a day.

So, it is obvious that the future of agriculture has a tremendous stake in the national clean water program.

In an authoritative report to the Secretary of the Interior, the National Technical Advisory Committee made the following observations about agricultural water quality:

Excessive quantities of silt from agricultural activities, road construction, and urban development plague many of our streams.

Pollution from sewage, domestic and industrial, continues to add each year to the

water quality problems of the farmer and urban dweller.

Upstream irrigation, reservoir evaporation, and lowering or recycling of ground water impose increasingly difficult problems for downstream irrigators because of increased salt concentrations.

Effects of water quality deterioriation or the impact of low-quality supplies on agriculture are commonly insidious rather than dramatic. Even relatively small-scale changes may result in large economic consequences because of the sheer size of the activity involved.

Excess salinity has been the instrument of destruction of profitable irrigation from the earliest history of man. While a great deal is known about the inhibiting effect of salinity on plant growth, we are now beginning to have preliminary assessments of the economic consequences of the cost of reducing salinity.

Very little attention has been given to the optimum quality of drinking water for farm animals. While the standards of quality for human consumption may not be justified here, this could be a desirable goal because such waters often also serve other uses on the farmstead. There are certain contaminants which may be hazardous to livestock.

Dairy farming requires large quantities of water for cooling and for washing milk-handling equipment. The latter must be of drinking water quality even though other uses may not require this degree of purity.

These illustrative observations by the National Technical Advisory Committee point out the need for the involvement of the rural community in water pollution control. The farmer and his family need clean water to drink, unpolluted water for livestock and crop production, and clean streams and lakes for fishing and swimming. In short, like every other segment of American society, the rural community requires clean water for economic and social progress and to enjoy life. And the rural community includes the hundreds of towns and villages which are supportive to, and a part of, America's great agricultural industry.

Now, sediment is a major pollutant in our waterways and much of it comes from farmland through improper tillage and soil use. Nonfarm sources of sediment include roadbeds and rights-of-way of existing rural roads, new road construction, banks of rivers and streams, unrestored strip-mined lands, suburban development, and logging.

Sedimentation is costly. Its annual bill to the American people is now exceeding $500 million and rising.

Sediment represents a heavy economic drain in loss of valuable top soil. It makes water unfit for use as municipal and industrial sources of supply unless the water undergoes expensive treatment. It interferes with navigation, destroys esthetic values, injures aquatic life. Soil particles promote algal growths by carrying nutrients which degrade water quality, accelerating the aging process of lakes and reservoirs, and decreasing water quality in streams and rivers. The Federal Government has made considerable assistance available to States and to communities and even to the individual farmer.

The Federal Water Pollution Control Administration has confronted the sedimentation problem and is seeking helpful answers. I might note that other Bureaus of the Department of the Interior, as well as the Soil Conservation Service of the Department of Agriculture, and the Corps of Engineers, are vigorously tackling the problem also.

The effects of erosion are considered in the establishment of water quality standards under the Water Quality Act of 1965. In submitting water quality criteria and plans for implementation and enforcement to the Secretary of the Interior for his approval, the States have included requirements in their narrative standards covering turbidity and settleable solids. We urged the States to give attention to land erosion and other nonpoint pollution sources in their compliance programs. We understand, of course, that compliance is more difficult to achieve in such cases than in instances of municipal and industrial pollution.

Major enforcement actions by FWQA have covered pollution resulting from land erosion so, if it proves to be necessary, enforcement is available.

Agriculture is the biggest producer of wastes in the United States. Animal wastes constitute one of six sources of farm wastes whose management and disposal have become one of the most challenging problems of modern farming. Three pounds of manure are defecated for every quart of milk produced. Six to 25 pounds of manure are produced per pound of weight gain for livestock. While some of this is left in pasture and rangeland, about one-half of it is deposited in feedlots, barns, and other animal production units from whence it must be removed for disposal. The future will see a greater increase in confinement feeding of animals with an increasing need for better waste treatment and disposal procedures.

Although disposal of animal wastes has long been a nuisance to the animal producer, only recently has it been recognized as a potential national pollution problem. Within the last few years agricultural experiment stations and Federal agencies such as the Departments of Agriculture, Interior, and Health, Education, and Welfare have begun to support research in farm wastes management.

A number of cases of serious surface and ground water pollution have been documented throughout agricultural regions of the nation. Pollution of ground water within a localized area is highly probable whenever accumulations of animal wastes are stored on or below the ground unless stored in water tight structures. Rural runoff water must be considered as a factor in water pollution control problems because sizable organic and inorganic loads are discharged to the receiving stream over short periods of time.

Historically, most animal wastes have been recycled through the soil with a minimum of direct release to receiving waters. This is not as possible in many instances as it once was because of the trend toward confined animal production operations. The animal producer finds himself with large volumes of highly concentrated wastes that have little economic value but with physical and/or economic restrictions that limit the feasibility of recycling animal wastes through the soil environment.

To give you an idea of the magnitude of the animal waste problems, let me put it in terms of human-population equivalents of pollutional load in water. Seven Midwestern States have human-population-equivalent hog populations greater than the human population of those States. The equivalent biochemical-oxygen-demand (BOD) production from hogs in Nebraska is over 3 times that of the human population. The BOD-population-equivalent cattle population of many States, including Nebraska, far exceeds the human population of those States.

These are the States where problems generated by animal wastes will likely be the greatest. This does not infer that problems will not occur in other States. Localized problems may occur whenever concentrated animal production units are developed. About half of the beef cattle feedlots have capacities for 2,000 head to 10,000 head. These lots will produce wastes equivalent to that from communities of approximately 36,000 to 182,000 population, respectively. Broiler operations may house from 100,000 to 1,000,000 birds. These operations produce wastes comparable to communities of approximately 10,000 and 100,000 population, respectively.

The most obvious effect of such pollution is apparent in the number of fish kills that have occurred. For example, animal wastes killed 1,156,000 fish in 1964 and 617,000 fish in 1965 in the United States. Spring rains in Kansas alone in 1967 caused tons of cattle feedlot waste to enter the receiving streams, killing an estimated 300,000 to 500,000 fish.

There are no simple solutions to the problem. Past failures have occurred because of a lack of understanding of the waste characteristics, a lack of understanding concerning suitable treatment, disposal, and management methods, a lack of appreciation in many areas that a problem existed, and a general feeling that treatment, disposal, and management methods should produce a profit or cost very little. To date, the emphasis has been on cheapness rather than adequacy of method.

What are we doing about all these problems?

Several bills are now before the Congress which would provide Federal assistance for the control and prevention of damages resulting from three sources of erosion—the roadbeds and rights-of-way of existing rural roads, the banks of rivers and streams, and unrestored strip-mined lands.

Further, the President has directed the Secretary of Agriculture to conduct a Government-wide review of water-course pollution resulting from erosion of farmlands and other areas, and from operations of the agricultural industry in general. The Office of Science and Technology has established a work group on agricultural pollution. The Department of the Interior is taking an active part in this interagency review.

The President's environmental program now before Congress is a strong, three-pronged attack—on air, water and land.

A major feature of the President's program that will benefit rural areas is the Environmental Financing Authority to insure that all municipalities needing treatment plants can get financing based upon need for facilities, rather than the ability to market bonds.

There are Federal funds available to help even now, however. The Federal allocation prescribed by law for Nebraska for sewage treatment plant construction is $6.8 million. It has not been spent. If the money is not used, it will be reallocated. An amendment sponsored by Senator Hruska has allowed a six-month extension of appropriations—so the money will not be lost to the State if it acts in a prompt manner to pass a matching-grant act for State-Federal funding of municipal sewage treatment plants. Additionally, many Nebraska municipalities will need to revise their sewer codes to provide for industry to pay its fair share of sewage treatment as now required by Federal regulation.

In the past year the Missouri Basin Regional Office of the Federal Water Quality Administration has completed a technical survey of the Missouri River which indicates a heavy bacterial loading from all of the cities and industries which are a threat to the public water supplies of Omaha, Council Bluffs, Iowa, St. Joseph, Missouri, Kansas City, and other towns. This survey indicated that secondary treatment is needed, and we are very pleased that Nebraska has responded to that need. It is now necessary that the State move ahead expeditiously to use the assistance available to it in order to clean up its waste-water discharges.

The problems and sources of pollution—from agriculture, municipalities, and industry—are many and varied; the ability to set priorities and solve the problems is ours. And, if you think about it, we—you and I—are all at the core of these problems. We must be certain that we are also at the center of the solution.

THE CURRENT ENERGY SHORTAGE

Mr. BURDICK. Mr. President, I should like to share with Senators today an appraisal of the current energy shortage in our Nation, made by Mr. Robert Partridge, general manager of the National Rural Electric Cooperative Association, who made the remarks at the group's region VI meeting in Minot, N. Dak., October 26, 1970.

Over the past year, Mr. Partridge has been calling this condition to the attention of the Nation, particularly the role which rural electric cooperatives must play in meeting energy needs. I ask unanimous consent that his remarks be printed in the RECORD.

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

REMARKS BY ROBERT PARTRIDGE

Growing needs and changing demands of a changing country—those are simple words but they describe a very highly critical situation. It is a situation that involves the very survival of the rural electrification program.

More than that, however, it involves the survival of rural America—the communities you serve, the places where you live, the countryside where you want your youngsters to stay and prosper.

It is going to take the very best leadership you can muster to cope with the highly complex and far-reaching problems that now confront us in this rural electrification program.

In many respects we share the problems of the entire American society today. Those of us in rural America are concerned as are urban people with the problems of substandard housing, with the problems of inadequate and costly medical services, with transportation problems, inflation, poverty and with the newly emerging problems involved in maintaining an environment fit to live in.

But we also have problems peculiar to our industry and peculiar to our own program.

Here, this morning, I want to examine in a rather summary way today's power crisis because that is an immediate problem that you and the membership have to deal with now and in the weeks and months ahead.

A POWER CRISIS

You might ask: Do we really face a power crisis in this country?

Without going into all of the technical details of the tragic picture, I can tell you there is a power crisis.

The fact is, we in this country are living very dangerously, with a reserve generating capacity that is far below safe levels.

Our reserves are too low for even ordinary peacetime needs—and heaven help us if we should have to face a defense emergency which calls for an all-out mobilization.

Our reserve generating capacity in many places in this country is about one-half the level that it was at the beginning of World War II. That means that if we were faced with broadscale defense requirement, drastic action, really drastic, would be needed. We probably would have to cut off much of our domestic use of electric energy.

But we can expect trouble even without a defense demand. As recent experiences showed, we are on the ragged edge in many sections of the United States, shipping power through totally inadequate connections to try to keep together a system which simply cannot produce the reliable energy that is needed.

This year has been only the beginning. The worst is yet to come. The Federal Power Commission says our needs will be four times greater 20 years from now than they are today. And those estimates are very much on the conservative side. Certainly they are conservative as far as our own growth is concerned.

Significantly, very few remedies are being developed. Our government, both the Executive Branch and the Congress, has failed to call for new hydro starts. Only recently, the Dickey-Lincoln project was turned down again, a project which has a benefit-to-cost ratio of 2-1 and which is badly needed to keep up the sagging power situation in the northeastern section of the country.

There is literally no comprehensive effort to find new ways to create pollution-free generation.

USING OUR KNOW-HOW

We in this country can be proud of our technological prowness. We have unlocked the secret of the atom. We have sent men to the moon. I suggest that the same kind of a massive attack on the power problem could find ways to generate electricity on an economical, reliable basis for distribution without endangering the environment. This nation has the resources and the know-how. What we need to do is put them to work.

Do you know that to resolve this highly critical problem, involving a most basic element in our continuing high level of living, we are devoting less than 1/7000th of our gross national product to do research? Lay that alongside what we have spent to develop our space program, what we are spending for defense and what we have spent on many other things which at the time, and for good reasons, were felt to be in the broad public interest. We simply are not doing the job in the electric power industry today.

Our membership is on record for such a research program, a massive research program, on the part of the government. But we need to do more than write resolutions about it. We need to press and press hard. We need to push, to battle for action—action that we are not getting at the present time.

To add to the power problem, we face a very drastic fuel shortage.

Power plants are running out of coal in many sections of the country.

Coal is still in the ground. Plenty of it. But mining is not keeping up with demand. In addition, foreign buyers are paying premium prices. And they are getting large quantities of our coal. I saw evidence of this recently. Long trains loaded with coal—string after string of coal cars—were heading for the port at Norfolk with coal destined for foreign shipment. Yet, as you know, here in the United States coal is terribly scarce to meet the need of generating plants.

Transportation to move coal to domestic users is often too slow or completely stalled. Export shipments add to this problem because often there is a long layover of coal cars at the ports where ship loading is delayed. Another factor not to be overlooked is the hesitation of investors to put money into expanded operations. They fear that critics of the pollution problem may enforce a shutdown of coal-fired steam plants.

Other fuels face similar problems. Oil is scarce at any price. The gas industry is restricting service because it maintains its rates are too low. As a result, some companies are refusing to take on new contracts. There is no bidding on new contracts in many cases.

NUCLEAR POTENTIAL

As of today, nuclear power offers very little hope for small systems. The time will no doubt come when nuclear power will be a major part of our future fuel supply. But if present trends prevail, rural electrics, municipals, and other small utilities will be virtually excluded from the generating business. This will happen unless we can find some way to participate in group construction and operation of nuclear units. Unfortunately, some of the major companies have clearly demonstrated they have no such cooperation in mind. Instead, their goal appears to be exclusion of the small utilities.

In brief, we have a dangerous fuel shortage on our hands. It is a problem that calls for action now, while there is still time for effective remedies.

GIGANTIC ENERGY MONOPOLY

Related to the highly critical fuel situation is the rapid development of a gigantic energy monopoly. We are getting a combine that is grabbing control of our entire source and supply of energy.

In the last five years many of the country's major oil companies have acquired significant holdings in every fuel. If this trend continues it will end effective competition between oil, gas, coal and uranium. The result will be still higher prices. Costs will go much higher than the already escalated cost that we have come to know in the recent months.

Nuclear energy is one of the targets in their huge power play. There is a move afoot to take over nuclear energy also despite the fact that this is indeed a public resource. It was developed with a little over $2-billion of taxpayers' money. In the early 50s when the 1954 Atomic Energy Act was passed, the Congress and the Eisenhower Administration recognized this fact. The Act requires the AEC to examine the anti-trust aspects of any private nuclear power plant before issuing it a license.

Now, the power companies are asking the Congress to repeal or at least to dilute this AEC anti-trust authority.

FEEDING THE INFLATION

Another serious aspect of the power crisis confronting us is inflation. The fact is that our government's power policies are feeding the inflation.

Every consumer, every cooperative has good reason to be concerned about electric costs. The cost of electricity is an important element in the cost of living because it is built into everything that we use, everything that we do in our modern society, and most certainly it is substantially built into the cost of operation of your cooperative.

In August, the government put out an inflation alert, so called. In that pronouncement they said that electric power price increases constitute one of the most significant factors pushing up the cost of living. Despite that expression, however, the Administration fosters power policies that cannot help but lead to higher power costs.

Let me cite for you a few examples:

The Administration has already approved higher rates for the Southwestern Power Administration, particularly as applicable to the power sold in Missouri.

Similar increases are scheduled by the Southeastern Power Administration.

The Atomic Energy Commission has increased by 10 percent its charge for processing nuclear power plant fuel and adopted new criteria which will push the price even higher.

As you all know, TVA raised its power rates 23 percent.

Elsewhere in the government, the Internal Revenue Service is working on a ruling which would apply a tax on the municipal bonds which are needed to finance municipal generation capacity in many areas.

Last on my list of examples of inflationary government power policies is the cutback in REA generation loans.

We recognize the magnitude of the funds needed for modern generation plants as well as the difficulty we have in getting REA funds to finance such plants. We also recognize the limitations imposed by the instructions Congress has laid out regarding the use of available loan funds with priority to be given distribution applications.

A BARGAINING LEVER

However, the generation loan program of REA is more than merely a source of financing; it is also a bargaining lever which has served the rural electric systems well at times of negotiation for wholesale power.

Congress has long recognized the bargaining lever principle supplied by the REA loan funds and even in its instructions regarding loan priorities it did not back away from that principle.

A recent rate hike in Georgia illustrates the value of a viable generation loan program. The co-ops and municipals in the state found themselves faced with a projected 37 percent wholesale rate increase. The Georgia Power Company had no hesitation in announcing this action because it had no real reason to expect that the G–T bargaining lever would be put to use.

Our history proves the bargaining lever can work even when funds are limited. We have never had all the money needed for G&T. Yet the program has been effective. The bargaining lever is still needed. But it has to be exercised to be effective.

Generation loans even on a sparse diet would demonstrate to those sitting on the other side of the wholesale power bargaining table that REA is back of the co-ops especially where the bargaining becomes most difficult and controversial.

Any consideration of the power crisis must include an examination of our concern for the users of electricity.

It is obvious today that the users of electricity are not going to tolerate power shortages or the kind of power generation that produces pollution.

LEADERS WITH RESPONSIBILITY

In this situation, the electric users of America look upon you as leaders in the utility industry, capable of acting when the need arises. They look to you to provide the power they require. They look to you to provide it at a cost they can afford. And they look to you, along with the whole industry, to develop clean generation.

That is the message that is projected by recent events. The message is clearly written in the mass of bills now before Congress. For example, there is one that would compel a $1¼ billion expenditure by the industry in order to comply with all the specifications laid down.

The message is also written in the vast number of competing hearings and investigations that have been held. Perhaps most evident of all is the message that is written, more and more frequently, in the newspapers, in the magazines and on the TV screens.

To be sure, we are not alone in this crunch. The whole industry is on the spot—you, the IOU's, the Federal power agencies, the municipals, the state regulators, REA, the FPC as well as the government policy-makers. Consumer reaction is building up, and when it strikes it will hit us all.

Actually, this country cannot tolerate anything approaching a breakdown in electric service. Just think of what such a development would do to the economy, to health and sanitation, and to safety.

Any stoppage—for whatever period of time—would strike at our pocketbooks, at our food supplies and, in fact, at our whole life style.

Any stoppage—for whatever reason—would accomplish what Moscow or Peking or Hanoi cannot achieve.

Were we to have a breakdown, the temptation would be great—perhaps irresistible—to grab for some drastic solution, such as nationalization of the utility industry of the United States. Don't forget, this has happened in other countries.

But nationalization need not happen—if we attack the problem now, while there is still time to work out the remedies. Free enterprise can function effectively if the IOU's, the co-ops, the municipals will work together in the national interest. But this will require national policies dedicated to the public convenience and safety. This will require national policies designed to expedite action before disaster overtakes our industry.

None of the remedies that we will require will happen just because we want them to happen. What is needed in our program is a membership ready to make things happen. We need a membership that will get onto the warpath and fight for change. Without this, there will be no change.

The rural electrification program was built by fighters. Who is ready to fight for it now?

THE OCCUPATIONAL SAFETY AND HEALTH BILL—MINORITY CONTRIBUTIONS

Mr. JAVITS. Mr. President, the occupational health and safety bill, passed by the Senate on November 17, 1970, is truly a landmark bill which will be of direct and immediate benefit to the bulk of our Nation's 80 million workers.

I believe that the bill passed by the Senate was considerably improved by the amendments offered by myself and other members of the minority on the floor of the Senate and in the Labor and Public Welfare Committee.

I am pleased to note that the New York Times concurs in that view, I ask unanimous consent that its editorial of November 18, 1970, on the Senate bill be printed in the RECORD.

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

BREAKTHROUGH ON JOB SAFETY

Passage by the Senate of a compromise job safety bill has broken a long deadlock over legislation to give better protection to the life and health of industrial workers. It will be a tragedy—measured in thousands of needless deaths and crippling injuries—if stubbornness by either labor or industry now blocks acceptance of the same compromise in the House.

The amended measure would empower the Secretary of Labor to establish Federal standards for industrial health and safety. He would certify violations to a new three-member commission to be appointed by the President, subject to Senate confirmation, from among people qualified "by reason of training, education or experience." That commission would have authority to issue cease-and-desist orders in much the same manner that the National Labor Relations Board does in cases arising out of the Taft-Hartley Act.

The compromise, sponsored by Senator Javits of New York, meets the needs of workers for effective protection against the hazards that cause more than 2 million disabling injuries on the job each year and that undermine the health of millions in countless industries. It also meets the valid objections of employers that they would have been subject to arbitrary plant closings and union harassment under the original labor-backed bill.

The new bill would serve the best interests of both labor and industry. It is vastly superior to the measures put before Congress by either the Nixon Administration or the A.F.L.–C.I.O. Its approval in the House and its signature by President Nixon would be a monumental gain for the American worker.

Mr. JAVITS. Mr. President, the amendments offered by the minority on the floor of the Senate are set forth in the RECORD of November 17, 1970. In order to complete the record, I ask unanimous consent that any individual views, contained in the committee report, which summarize the minority amendments accepted in committee, also be presented in the RECORD.

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

INDIVIDUAL VIEWS OF MR. JAVITS

The bill reported herewith is the most important piece of legislation affecting American workers to be considered by Congress in many years. Each year over 14,000 Americans are killed at work, more than 2,000,000 suffer disabling injuries, and uncounted thousands fall victims to occupational diseases such as silicosis, asbestosis, bysinosis, pesticide and chemical poisoning, lung and bladder cancer, and other horrible byproducts of our industrial progress.

There is no dispute that a strong Federal occupational health and safety program is necessary if we are to achieve a real dimunition in this industrial carnage. The statistics on occupational injury, disease and death show all too clearly that private industry and the States are not doing an adequate job of insuring health and safety in the workplace. Nor is there any dispute that the Federal program should include promulgation and enforcement of Federal standards and substantial aid to those States willing to operate an occupational health and safety program that meets Federal standards.

Yet, despite the substantial agreement which exists as to the objective of this legislation, the most bitter labor-management political fight in years has erupted over the means to achieve that objective. The lines have hardened around the so-called Daniels bill, reported out by the House Education and Labor Committee (H.R. 16785) and the Administration bill, introduced by Congressmen Steiger and Sikes in the House (H.R. 19200), and by Senator Dominick in the Senate (S. 4404). All efforts to work out a fair and moderate compromise have been so far rebuffed.

In this Committee, most of the differences between the Daniels bill and the Administration bill were resolved—frequently through the adoption of amendments offered by the minority. As I shall point out below, in the wide areas where the Committee was able to reach such agreement, the provisions of the Committee bill are, in my view, clearly superior to corresponding provisions of either the Daniels or the Administration bill.

Unfortunately, the Committee was unable to resolve all the differences. The key issue which remains, and the one which has polarized labor and management, is whether the Secetary of Labor should, in addition to his functions as prosecutor shall also be given the power to promulgate standards and adjudicate enforcement cases. The Committee bill reported herewith, and the Daniels bill, would give the Secretary all of these powers, as urged by spokesmen for organized labor; the Administration bill would separate them by giving the quasi-legislative power to promulgate standards to a five-man board and the quasi-judicial power of adjudication to an independent three-man Panel, as urged (or at least acquiesced in) by spokesmen for the business community. The members of the Board and the Panel would be Presidentially appointed with the advise and consent of the Senate.

It is most regrettable that the dispute over this issue should have become so bitter as to jeopardize seriously the prospects for enactment of this bill during this session of Congress, especially since either approach has both merits and demerits. I, for one, believe that in the light of over 30 years of utterly dismal performance by the Department of Labor of its safety and health respon-

sibilities under the Walsh-Healey Act, labor has little reason to expect, or business any reason to fear, overly energetic administration of this Act by the Secretary of Labor or disregard by him of the legitimate concerns of business. Justice Holmes' famous aphorism, "The life of the law has not been logic: it has been experience.", applies as much to the process of shaping legislation as it does to deciding questions of common law.

Conversely, our experience with multi-member independent administrative agencies (e.g. the National Labor Relations Board), especially in the area of quasi-judicial adjudication, has been neither so uniformly bad nor so uniformly good, or favorable to business, as compared to our experience with administration by cabinet-level officials, that we can assume that the use of such an agency would seriously weaken (or strengthen) this legislation. Cabinet-level officials are, it is true, more sensitive to political influences and can be held accountable for the failure of their Departments, but political influences are, at best, a two-edged sword, and completely improper, in any event, where adjudication is concerned.

Attempts at Compromise of the Basic Issue

In an attempt to resolve this obstacle to agreement by the Committee on a bill, I suggested a compromise amendment under which the Secretary of Labor would promulgate standards and a three-man independent Panel (similar to that provided in the Administration bill) would adjudicate enforcement cases. Unfortunately the Committee, after first expressing interest, rejected the compromise by a vote of 10 to 7. Since the same issue may well arise again when this bill is considered by the Senate, I believe a brief statement concerning my compromise amendment is appropriate.

In the area of adjudication, there are several reasons for preferring an independent panel approach, especially in the form proposed by the Administration and embodied in my amendment.

First, under the procedures established by the amendment, speed of enforcement would be greatly increased. In most contested cases, between six months and two years would be saved under the provisions which provide for true self-enforcing orders and discretionary review of trial examiner decisions.

Under the Committee bill, no enforceable order to correct a violation would issue until the completion of all administrative and judicial review proceedings. This would involve, at a minimum in a contested case, (1) hearings by a trial examiner, (2) mandatory review of the decision by the Secretary or his designee, and (3) review by a Court of Appeals. It is doubtful that this process could be completed in less than 18 months (two years would be a more realistic estimate) in a seriously contested case.

Under my amendment, an enforceable order would issue at the end of the administrative review stage, rather than after judicial review (unless the Court of Appeals issued a stay). Furthermore, the administrative review stage itself would be shortened by three to six months in many cases by making review by the Panel of trial examiners' decisions discretionary. If review were denied, the trial examiners' decision would automatically become the final order of the Panel and enforceable as such.

Second, hearing and determination of enforcement cases by an independent panel more closely accords with traditional notions of due process than would hearing and determination by the Secretary. In the latter case the Secretary is essentially acting as prosecutor and judge. Any finding by the Secretary in favor of a respondent would be essentially a repudiation by the Secretary of his own Department's employees. While this type of enforcement has been used in connection with other statutes, is contemplated by the Administrative Procedures Act, and is not jurisdictionally defective on due process grounds, the awkward mechanics it imposes upon heads of Departments who wish to exercise their adjudicatory power personally in order to preserve due process has not generally been appreciated. What happens is that one official of the Department (e.g. the Deputy Solicitor) will take the position of prosecutor and another official (e.g. the Solicitor) will take the position of a neutral in order to advise the Secretary.

More important, because of the awkwardness of this procedure and the heavy burden of personally reviewing hundreds of enforcement cases, it is highly likely that the Secretary of Labor will not even exercise his power under the Committee bill personally, but will delegate it to a panel of officials within the Department. That is precisely what the Secretary of Interior has done under the Coal Mine Health and Safety Act of 1969. The net result will be enforcement by a panel anyway, but not one which is independent, and without the benefit of the shortened procedures which my amendment would provide.

These considerations, it seems to me, outweigh any possible benefits which might be gained from the better "coordination" which would allegedly occur if the adjudicatory power, as well as the prosecutorial and standards setting powers were given to the Secretary. Such coordination as is necessary would seem just as readily attainable with a Panel as with the Secretary. It is the prosecutors upon whom this burden will primarily fall and under either approach they will be under the Secretary's control.

In short, the adjudicatory scheme of the Committee bill can be made to work, and due process can be preserved under it, but the independent Panel approach would do the same job faster, preserve due process more easily, and thereby instill much more confidence in the whole program in workers and businessmen alike.

IMMINENT DANGER ORDERS

The other issue upon which the Committee was unable to reach agreement is the procedure for dealing with imminent dangers. The Committee rejected an amendment which would have required the Secretary to obtain a court order to secure prompt relief against an imminent danger. The Committee bill (properly, in my view) permits remedial orders to be issued by the Secretary for 72 hours in the case of an imminent danger. However, the Committee did adopt amendments proposed by Senator Schweiker designed to guard against abuse of discretion in the exercise of this extraordinary power. The amendments provide (a) that such orders are to be issued by the Secretary or his representative only if there is not sufficient time, in light of the nature and imminence of the danger to seek and obtain a court order, (b) that no such order may be issued without the concurrence of an appropriate regional official of the Labor Department, and (c) that the Secretary must provide appropriate procedures to permit employers to obtain expeditious, informal reconsideration of such orders. None of these safeguards is contained in the Daniels bill.

RESOLUTION OF OTHER ISSUES—MINORITY AMENDMENTS

On the numerous other issues involved in this legislation the Committee was able to reach virtually complete agreement. Many of the more difficult problems were resolved, and the bill thereby strengthened, through the adoption of amendments offered by members of the minority. Among the more important of these amendments are the following:

Javits amendments

1. *National Institute of Occupational Health and Safety.*—This amendment would establish a new institute, to be known as the national Institute of Occupational Health and Safety in the Department of Health, Education, and Welfare. The establishment of this institute will elevate the status of occupational health and safety research to place it on an equal footing with the research conducted by HEW into other matters of vital social concern, particularly in the health area. Such an institute will be able to attract the qualified personnel necessary to engage in occupational health and safety research if we are to make any real progress in reducing job-related injury and disease under the Act, and will much more easily attract the substantial increase in funding which will be necessary to achieve the purpose of this act.

Equally important, the research and recommendations of the institute will be of critical importance in continually improving occupational health and safety standards promulgated under this act. The primary source of these standards at this time are the various consensus and proprietary organizations such as the American National Standards Institute and the American Conference of Governmental and Industrial Hygienists. Without in any way denigrating the substantial contributions to occupational health and safety which such organizations have already made, and which they will undoubtedly continue to make, it is apparent that the government must develop a capacity for developing these standards which will operate independently of self interest groups.

2. *National Commission on Workmen's Compensation.*—The Committee bill includes provisions establishing a broadly based fifteen member national commission on State workmen's compensation laws. As this report points out elsewhere, serious questions have been raised concerning the adequacy of existing State workmen's compensation programs. The study and recommendations of this commission will be of invaluable assistance in upgrading these programs and in determining what, if any, further action by the federal government should be taken in this area.

3. *Economic Assistance to Small Business (with Senators Dominick and Saxbe).*—This amendment authorizes loans to small businesses adversely affected by the need to comply with this act. Similar provisions are included in both the Administration and the Daniels bills.

4. *Feasibility of Standards.*—As a result of this amendment the Secretary, in setting standards, is expressly required to consider feasibility of proposed standards. This is an improvement over the Daniels bill, which might be interpreted to require absolute health and safety in all cases, regardless of feasibility, and the Administration bill, which contains no criteria for standards at all.

5. *Modification of General Duty.*—As the result of this amendment the general duty of employers was clarified to require maintenance of a workplace free from "recognized" hazards. This is a significant improvement over the Administration bill, which requires employers to maintain the workplace free from "readily apparent" hazards. That approach would not cover non-obvious hazards discovered in the course of inspection. It is also better than the corresponding provision of the Daniels bill which embraces all hazards. In addition, the provisions of the Committee bill which provide a penalty only for failure to correct a violation of the general duty requirement are better than the provisions of the Administration bill which impose a penalty on an employer for his initial

violation of the duty, as well as his failure to correct it.

6. *Confidentiality of Inspection Reports and Other Material.*—Under this amendment publication of ordinarily confidential matter, such as inspection reports, is left to the discretion of the Secretary, rather than required, as is the case under the Daniels bill.

Dominick amendments

1. *Modification of State plan provisions to exclude employees of political subdivisions not subject to the jurisdiction to the States.*—This amendment removed what might operate as a substantial impediment to the ability of the States to adopt plans meeting federal requirements by limiting the States' responsibility to adopt a safety program for State and local employees only to those employees over which they have jurisdiction and authority in this respect.

2. *Protection of trade secrets.*—This amendment provided protection against disclosure of trade secrets in enforcement proceedings by requiring the Secretary or the court to issue appropriate orders for the protection of the confidentiality of trade secrets.

3. *Reopening of abatement order.*—Under this amendment the language of the bill was modified to make it clear that in the event of factors beyond the employers' control preventing him, in good faith, from complying with an abatement order which has previously become final, he may apply for modification of the order to the Secretary. No such provision is contained in either the Daniels bill or the Administration bill.

Saxbe amendments

1. *Right of employees and their representatives to accompany inspectors.*—As a result of this amendment the provisions of both the Administration and the Daniels bills permitting authorized representatives of employees to accompany inspectors have been clarified and protected from abuse by provisions making such right clearly subject to regulations of the Secretary, defining the purpose of such accompaniment as aid of the inspection, and extending mandatory consultation rights to a reasonable number of employees where there is no "authorized" representative of employees. In the absence of such provisions the Secretary might well find himself required to resolve union organizing issues which have no relationship to this legislation.

2. *Limitation on use of shortened procedures for adoption of proprietary standards.*—Under this amendment the use of somewhat shortened procedures (a hearing would be discretionary) for promulgation of proprietary standards is limited to proprietary standards adopted prior to the date of enactment of this act. This will avoid the possibility of proprietary groups adopting or modifying standards because of the possibility that they can be more easily adopted under this act. The discretionary provisions of the Committee bill concerning the adoption of such standards are much better than those of the Administration bill, which does not provide any shortened procedure for the adoption of such standards, and those in the Daniels bill which require the adoption of virtually all such standards.

3. *Inspections on demand.*—As a result of this amendment the provisions of the bill requiring an inspection to be conducted by the Secretary as soon as possible upon receipt of a notice from employees alleging a violation of standards or imminent danger were modified to require such an inspection as soon as practicable only if the Secretary determines there are reasonable grounds to believe that an alleged violation or danger exists. This will ensure that inspections are not required in response to groundless complaints, and will permit the Secretary to schedule such inspections more flexibly.

4. *Payment by the government of the cost of research and medical examinations.*—These amendments provided for the furnishing of assistance by the federal government to employers for additional expense incurred by them in conducting monitoring and measuring required by the Secretary of Health, Education, and Welfare for research purposes, and for payment by the government of the costs of medical examinations required by standards where such examinations are in the nature of research.

JACOB K. JAVITS.

VIETNAMIZATION IS NOT PEACE

Mr. PELL. Mr. President, for some years I have expressed opposition on the floor of the Senate with regard to our involvement in Southeast Asia. Of late, the concern of men like myself has been more muted because the level of violence has been reduced.

Nevertheless, I continue to believe that any policy to expand the area of the war in Indochina or a definite commitment of a residual force in Indochina is not in accord with our best interests.

In this regard, I read an excellent article by Mr. Maynard Parker, who has been the Newsweek bureau chief in Saigon. I thought that his personal assessment on the prospect of peace in Indochina might be of interest to Senators, so 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:

[From Newsweek, Nov. 23, 1970]

VIETNAMIZATION IS NOT PEACE

(By Maynard Parker)

Until recently, when he was reassigned to Hong Kong, Maynard Parker was Newsweek's bureau chief in Saigon. After eighteen months of reporting both the political and military aspects of the Vietnamese war, Parker filed this personal assessment on the prospects for peace in Indochina:

Last year, when I stopped in Paris en route to Saigon, the talk was not whether there would be peace, but how soon it would come. Even in Saigon, there was a feeling that peace was a few months away. South Vietnamese politicians gossiped about who might be included in a coalition peace Cabinet, and in the countryside, U.S. advisers discussed which villages would hoist the NLF flag on cease-fire day. But today, no one in Vietnam thinks there will be peace this year or even this decade.

Personally, I am convinced that hundreds—perhaps several thousand—more Americans will die before the U.S. has extricated itself from this war. For in retrospect, it is questionable whether either side went to Paris prepared to negotiate anything but a veiled surrender by the other side. The essential question of the war has always been who will emerge with power in Saigon, and on that question neither side has been willing to make significant concessions. Certainly, the Communists have not. Neither has President Nixon—for fear of placing the Thieu government in an impossible position of military and political inferiority. As President Thieu himself told a group of visitors a few months ago: "I'm too weak to cooperate in an accommodation with the Communists."

Now after a string of military successes, Thieu is telling his countrymen just the opposite—that South Vietnam is too strong to compromise with the other side. Only President Nixon could have broken this impasse by forcing Thieu to make peace. In choosing not to do that in the first days of his term, Mr. Nixon almost by default has opted for a long war and a continued American involvement under his Vietnamization policy. A diplomat whom I know in Saigon is now offering to bet a case of champagne that there will be 50,000 U.S. troops in Vietnam in 1980. I would not bet against him.

For far from staging a great retreat from Vietnam or Asia, I think Mr. Nixon is in Vietnam to stay. Vietnamization will permit substantial American withdrawals, but it is not a withdrawal strategy. The basic American objective of winning the war has remained unchanged. Deputy Ambassador Samuel Berger, holding forth at a Saigon dinner party, once told me: "The American people are not like the French. They aren't losers; they don't want to go out of here defeated and we're not going to." And that kind of thinking prevails among U.S. officials in Vietnam. While paying lip service to the Paris talks, these officials are rosily predicting that the war will simply die out—in a way which will amount to a U.S. victory. The enemy, in this view, will eventually fade away, except for what Deputy Ambassador William Colby, one of the architects of the extraordinarily successful U.S. pacification program, calls "a residual level of violence." What is always left out of these predictions, however, is the fact that such a level will require a million-man South Vietnamese army and thousands of American troops.

American officials in Washington hint that the President will have all U.S. troops out of a combat role by next summer. But U.S. military commanders in Saigon are planning to keep at least two U.S. divisions plus supporting units in enclaves—one in the Saigon-Long Binh area and another in the Da Nang-Hué area—for the indefinite future. Mr. Nixon will no doubt call these men security forces instead of combat troops, but whatever the semantics, they will be employed in a combat role as a reaction force to bail the ARVN out of any possible trouble.

It seems to me that this policy entails enormous risks. It is not just that there will be an undeniable physical danger to the U.S. troops left behind in the enclaves. The Vietnamese Communists are not simply going to fade away—not as long as they are respected in the south as the heirs of Vietnam's nationalistic traditions and not as long as the Chinese continue to supply them. And as the war drags on, it will become more dangerous for the United States in certain respects. Not only do we risk an ever-higher penalty in terms of lost prestige for any eventual defeat, but there is the danger of the war spreading even further. Cambodia has already been drawn into the general conflagration. And further escalation—a thrust across the Laotian panhandle or even limited bombing of North Vietnam—should not be ruled out, particularly if Mr. Nixon wins a second term and feels freer than he does now of the constraints of public opinion.

What then is an alternative solution? The only answer possible at this late date seems to be for the U.S. to announce a deadline for the withdrawal of all U.S. troops. I do not suggest that the U.S. should accept the NLF's timetable or even those put forth by various Congressional critics of the Administration. Rather, the Administration should choose a deadline such as Christmas 1972 or even Christmas 1973—a deadline which would shock the South Vietnamese into the realization that the Americans really are leaving the country.

I do not think it fair to suggest, as Ambassador Bunker has often done, that by pulling out in such a fashion the United States would be welshing on its commitment to the Vietnamese and that Washington's word would no longer be worth anything to its allies. The U.S. commitment to Vietnam was never meant to be open-ended. The United States has stopped the enemy from taking over; it has introduced Viet-

namization to enable the South Vietnamese to defend themselves; and it has introduced a semi-democratic, constitutional government in the process.

Nor do I agree that setting such a deadline would mean abandoning the South Vietnamese to disaster. The military situation in South Vietnam has now progressed to the point where a military take-over by the Communists is no longer a real possibility—not at least in the next two or three years. If the South Vietnamese, with a million-man army and with one of the world's largest air forces, cannot defend themselves within a year or two years' time, then there is very little reason to think they ever will be ready to stand alone.

DUTIES OF THE VICE PRESIDENT

Mr. MURPHY. Mr. President, recently Vice President AGNEW has been criticized by a few newspaper columnists and some of our colleagues for an alleged failure to perform properly his duties as Presiding Officer of the Senate. This criticism came during the course of the recent political campaign and can be dismissed as a part of that campaign. Nevertheless, I have checked to see whether that criticism was, in any way, warranted.

The duties and responsibilities of the Vice President as Presiding Officer of the Senate are quite clear. In his definitive work entitled "The American Vice Presidency: New Look," Prof. Irving G. Williams enumerates 15 responsibilities which, under the Rules of the Senate, are assigned to the Vice President as Presiding Officer. He also lists two additional prerogatives which are not rules of the Senate but have passed to the Vice President through custom and usage. These are the distribution of introduced measures to the proper committees and the power to make committee appointments and fill vacancies therein if the Senate—or Congress—has not otherwise determined.

It is significant that Professor Williams says of these responsibilities:

> These are all the typical functions and prerogatives of chairmen of assemblies, and for most purposes, it matters little whether the Vice President is in the chair or not, since any competent Senator can (and periodically does) fulfill the presiding officer's duties.

In fact, Professor Williams points out that:

> The Founding Fathers never intended to immobilize the second officer in the chair of the Senate, for they empowered that body to choose "a President pro tempore, in the absence of the Vice President . . ."

I am sure that Senators will agree with Professor Williams' assessment that the Senate can and does and always has been able to function under normal, routine conditions without the presence of the Vice President. Since his function in the Senate is so readily transferable, the question is then raised whether the Vice President is bound, either by the Constitution or historical precedent, to spend the major portion of his time on the affairs of the Senate.

Unfortunately, the Constitution is not entirely clear in regard to the role of the Vice President. While it assigns specific functions in the legislative branch to the Vice President under article I, section 3, nowhere does it specifically assign or forbid him functions in the executive branch.

However, in 1950, Congress, under 64 Statute 419, 3 USC 301–303, specifically empowered the President to delegate to officials of the executive branch functions which had been invested in him by law, if the law did not expressly forbid such delegation. Thus, there is no bar, either from a constitutional or statutory view, against the President transferring duties in the executive branch to the Vice President.

On the remaining question of historical precedents, it should be noted that John Adams, the first Vice President, played perhaps a larger role in the affairs of the Senate than any of his predecessors. This was due in large part to the smaller membership of the Senate and the necessity for often casting the deciding vote. As the Senate increased in membership and rules and procedures were established, the leadership role of the first Vice President declined, and it has not been reasserted by any of his predecessors.

Indeed, since John Adams, the office of the Vice President has been in a state of relative flux. The posture of the Vice President in each succeeding administration has seemed to depend more on the inclinations and abilities of the individual President and Vice President rather than on any formalized rules.

In our century, students of government generally mark the administration of Franklin Roosevelt as the beginning of an activist role for the Vice President in the executive branch which has continued through today. Roosevelt delegated significant powers to his Vice Presidents, particularly in 1941, when Vice President Wallace was given broad authority to develop and coordinate economic defense policy.

In 1949, a further extension of the Vice President's functions in the executive branch was accomplished when Congress, at the request of President Truman, made the Vice President a statutory member of the National Security Council.

This trend toward activism was solidified during the 8 years of the Eisenhower administration when Vice President Nixon was assigned a wide-ranging role in both domestic and foreign affairs. He presided at Cabinet meetings and meetings of the National Security Council in the absence of the President, served as Chairman of the President's Committee on Government Contracts, handled numerous political chores for the President and traveled extensively abroad as a foreign policy spokesman for the administration.

In light of Mr. Nixon's own activist role in the Vice-Presidency, it is hardly surprising that he would encourage his own Vice President to undertake a similar role in this administration.

Mr. President, I would suggest that this trend is in the national interest and should be encouraged by Congress, rather than disparaged. It would be folly for the Senate to attempt to shackle the Vice President to a mechanical function as its Presiding Officer; the more so when there is no constitutional basis for such action and the historical trend is in exactly the opposite direction.

It is somewhat ironic that the delegates to the Constitutional Convention of 1787 were concerned that the Vice President's role as Presiding Officers of the Senate would endanger the separation of powers. After almost two centuries those fears have proved groundless—but they do point out that questions of this sort are not to be taken lightly.

Today, the strains of national leadership are such that the Vice President's experience and expertise can be used to better advantage in the executive branch. It is of critical importance to our Nation that he be fully prepared to assume the burdens of the Presidency at any time. If we are to deliberate on the functions of the Vice President, let the debate center on our national interest—not partisan politics.

Many Senators will not agree with the Vice President's political activities. Under our system of government, they have the privilege and the responsibility to disagree publicly with the Vice President on that basis. However, as I have tried to show today, there is no justification for heavy-handed political attacks on the Vice President based upon a tenuous responsibility to the Senate.

I trust that the Vice President of the United States will always be welcome in this Chamber. He has a legitimate and useful function here. But when he is called by other responsibilities, he should not be the subject of criticism by Senators or by unknowledgeable or unfriendly members of the news media.

MOST VALUABLE PLAYER AWARD BY NATIONAL LEAGUE TO JOHNNY BENCH, CINCINNATI REDS

Mr. BELLMON. Mr. President, baseball's highest honor was awarded yesterday to an outstanding young Oklahoman when the National League's most valuable player award for 1970 was presented to Johnny Bench, of Binger, Okla. The award recognizes the great record the 22-year-old catcher has compiled with the Cincinnati Reds.

His accomplishments during his brief career in professional baseball are no less than spectacular. He was rookie of the year in 1968, the major league's No. 1 catcher in 1969, and this year he led the majors in home runs with 45 and runs batted in with 148 while leading Cincinnati to the National League pennant. Johnny's record was impressive enough to win 22 of the 24 first-place votes in the balloting by the Baseball Writers Association of America.

As an Oklahoman, I share the pride that all citizens of our State feel when a native son is so honored. But the selection of Johnny Bench for this award has an even greater significance for me and for all Americans.

For one thing, this honor is a tribute to youth, because Johnny Bench is the youngest player ever to win a Most Valu-

able Player Award. In these times when so many adults tend to look down on young people, Johnny Bench has given Americans something to look up to.

In another way, this honor is a tribute to America's smaller communities. Johnny's home town is Binger, Okla., population 719. Located in Caddo County in the heart of Oklahoma's peanut-raising country. Johnny started playing baseball on the sandlots of Binger and the nearby county seat, Anadarko.

Some of you may recall that another of our all-time baseball greats, Mickey Mantle, also grew up in a small town, the community of Commerce in northeastern Oklahoma. Mantle won the Most Valuable Player Award three times.

Two other Oklahomans also have won the MVP, and both were also from small towns. Pittsburgh outfielder Paul Waner of Harrah won in 1927 and New York Giant pitcher Carl Hubbell of Meeker won in 1933.

Rural America has made many great contributions to the continuing development of this Nation. Some of the finest people anywhere live in our smaller cities and towns. We must not allow these communities to disappear from the American scene.

The honor accorded Johnny Bench is well deserved. It is a tribute to the man, to the country, and to the State in which he grew up, and to the great sport of baseball.

INAUGURAL OF SISTER M. ANNE JOHN, O.P., AS PRESIDENT OF CALDWELL COLLEGE

Mrs. SMITH of Maine. Mr. President, it was my privilege to attend the inaugural of Sister M. Anne John, O.P., as president of Caldwell College of New Jersey on September 27, 1970.

She is a very talented and dedicated young woman, and her talents and dedication were made evident in her inaugural address "Liberal Arts and Liberation."

Because her words bear reading and study by young women, I ask unanimous consent that her address be printed in the RECORD.

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

LIBERAL ARTS AND LIBERATION

(Address by Sister M. Anne John, O.P.)

It is with great trepidation that I stand here today sealed to an office that asks the impossible. Can any college president look out at an audience and expect to have answers for all the questions coming through to him on E.S.P. waves? This time last year, I might have stood here expecting to find answers. Today I know better, for I have been a year in the position of seeking and not finding. And yet, I know now, a little more, what it is I am seeking.

This summer a young man asked me, when he heard of today's inauguration, if last year had been a dry run. I laughed at the time, but the more I thought about it, the truer it seemed. But then, too, maybe the Board was trying to find out if I would survive the strain. Actually, I am glad to have a year behind me before I try to explain my thoughts and ideas on higher education and particularly Caldwell College's place in that rare air.

The theme of this address is liberal arts and liberation, chosen because it seems to me that liberation is the whole purpose of education, and education with a liberal arts foundation is the means by which liberation can be achieved.

In this day of agitation for the liberation of women, when I choose to speak on that subject, naturally, you'll want to know if I'm a liberationist. Of course I am! However, I must go on record as objecting strongly to the extreme methods used by certain segments of the female population in advancing their cause. I fear that for every step forward bulldozed through by the extremists, they actually cause the movement to fall back two steps. And yet, I am definitely for women's liberation. This is a women's college: and Caldwell College is dedicated to the liberation of the minds of women. What higher form of liberation can I espouse?

We seek liberation from ignorance, from superstition, liberation from mass-hypnosis, from mass-hysteria, liberation from misconceptions, from stereotyping, liberation from confinement in thought, from pre-digested ideas, liberation from the fear of being different, from the fear of probing the unknown. We seek to afford such freedom through a liberal arts education which, if it is what it proclaims to be, must liberate the mind to think, to probe, to compare, to challenge, and to find reasons in the purity of knowledge which discovers truth through honest seeking.

To seek truth today can be a hazardous quest. It can be so much easier to settle for expediency or relevancy. But today I do not think we can settle for less than the quest for absolute truth. If we settle for the pragmatic answer we have only gone half way and if we permit our students to seek answers for the immediate, how do we prepare them for the future?

Caldwell is a liberal arts college committed and dedicated to the education of women, but it is more than that—Caldwell is a Catholic college and education for us has a dual purpose. We must prepare the student to take her place in the modern city and in the "City of God". Our college was founded to educate young women who wish a liberal education in a women's college and in a Catholic framework. While I am president, I shall do all in my power to see that Caldwell College remains a women's college, a Catholic college, and a college of excellence.

I firmly believe that Caldwell should remain a women's college because higher education owes the student the right to decide what type of college she would attend. If we all go co-ed what choice does the student have? I also firmly believe that a women's college offers the student an atmosphere for study she can find nowhere else, it offers her an opportunity to express herself without concern about what the men in the class might think of her ideas. The only man she has to impress is her professor. A women's college challenges the student to accept leadership. She must formulate her own ideas, she must learn to express an opinion, she must learn to stand up to authority when she has cause to do so, and do it all herself. If such practice does not create women leaders we will never create them.

Caldwell will also remain a Catholic College. The American tradition in higher education is one of church-related colleges. In the early history the purpose was ministerial; in the nineteenth century the purpose was missionary work and proselytizing; in the twentieth century many lost their identities because they had lost their purpose. Caldwell has never been a college for the ministry, the missioner nor for the purpose of seeking converts. Caldwell was and is a college where religion is recognized as an integral part of life and it is studied both in its historical aspects and in its theological aspects with a strengthening of faith through knowledge. One can come to Caldwell and never take a course in Catholicism but one cannot avoid the Catholic atmosphere on the campus.

Caldwell will also continue on its course of excellence. We do not pretend to offer everything here that you will find at other colleges. We do not intend to try to be all things to all men—or should I say women. We do intend to remain an undergraduate college, building on our strengths, strengthening our weaknesses, and offering the best under-graduate programs in our power. We may never be known for our break-through in research, but we shall continue to be known for breakthroughs into the minds of young people who are searching. We can not do less in this age of information explosions.

If higher education can hold its students to dealing with information explosions it will, in the 1970's, have brought its students through dangerous times. That the world of higher education is in turmoil, no one denies, that we still will face more of the same we must realize for the signs of the past are still with us.

Why have so many students turned to violence, why have so many learned to mouth cliches, why have so many been led by so few? Is it because we have taught them to follow-the-leader without thinking? Is it because we have not taught them to question and probe for honest answers? Or on the other hand, have we decided that just because they are young, they have all the answers? Can we as educators capitulate and forget that we owe them our knowledge, guidance, and in some instances our authority? If we abrogate our responsibility can we expect our students to honor theirs?

Somewhere, we have failed them! I look at a generation who professes love as a prime motive—and throws rocks; I look at a generation who hates war—but incites riot; at a generation who fears a military machine—but who burns down our hope of a civilian officer corps. I fear this lack of thought, this drive to do before setting sights or logically concluding the end results. But lately I have glimpsed an exorcism of this aberration in the intelligent body of students. And while I don't doubt the extremists will continue their vile acts I seem to sense a regrouping toward sanity and reason among most of our students.

I have great faith and trust in these young people for I look at my own student body and see the potential bottled up, waiting to be released, straining to make tomorrow better than yesterday. They still come to us seeking knowledge, seeking help in the development of minds stretching toward new horizons. Can we object when they tell us what they want; can we object when they seek a change of curriculum to make a course more pertinent to their needs rather than to ours? Can we train them to think and then object because they do?

We must prepare these young people for a technological society and yet what they learn today may be obsolete tomorrow. We must also prepare them for a civilized world and so, we will teach them to take what happened yesterday and build on it for the future. This is the aim of a liberal arts education.

The liberation which such an education provides is the freedom from domination by the past, but the recognition of the past as a foundation for the future. Such an education may teach "How" something is done but it will surely teach "Why" something is done. We are educating our students to take their place in a cultural milieu not just in a technological society. We must educate them to become creative concerned citizens of a world which definitely needs their "know-how" but *desperately* needs to "know-why".

At Caldwell the "know-why" has always been of primary importance. It is the reason we insist on philosophy and religious studies as requisites, and shall maintain that insistence. It is the reason our professional courses rest on a liberal arts foundation. This is the liberation which we offer the students of Caldwell. Do we graduate liberationists? I certainly hope so. Our aim is to create a free spirit which can lead in the right direction or follow when it has reason to do so.

We are all liberationists, you and I, those of us in higher education, and if we do not espouse the freedom of the mind, we vitiate our power; we pollute the minds of our students to a far greater degree than we have polluted the earth; we wreak havoc on our future because we give our students no hope. Liberation through knowledge—we owe this not to our student but to the world.

LEON JAWORSKI—ABA PRESIDENT-ELECT—ADDRESS TO NEBRASKA BAR ASSOCIATION

Mr. HRUSKA. Mr. President, the Nebraska Bar Association had a rare and exciting privilege at its recent annual meeting in Omaha. I am referring to an address delivered to the group on October 22 by Leon Jaworski, one of the eminent men of laws in our Nation today.

Mr. Jaworski is now most commonly recognized as president-elect of the American Bar Association. His other legal credentials are equally impressive—former special assistant attorney general of Texas, former Special Assistant Attorney General of the United States, member of the President's Commission on Law Enforcement and Administration of Justice, Army Chief of War Crimes trials after World War II, author, and a most knowledgeable practicing attorney.

It was my own pleasure to have the distinction of serving with Mr. Jaworski as a member of the National Commission on the Causes and Prevention of Violence. I may say from that experience that anyone who has the great privilege of working with Mr. Jaworski will not remain long in doubt about the gentleman's legal prowess. The American Bar Association is indeed fortunate to have as its president-elect a member of such ability and experience. There is no question he will lead the organization to impressive progress during his term. In his address, Mr. Jaworski related his observations to the experiences we encountered in the studies in which that Commission engaged. There is no question that his views on law enforcement, like mine, have been singularly shaped by those experiences which we shared.

Among the many cogent and valid points in his talk, he pointed out that my own State of Nebraska is in the vanguard of those States which are tackling headon the problem of corrections, certainly one of the basic and critical aspects of a sound system of law enforcement.

Reminding the bar that "a vital aspect of improving corrections is facilities and services at the local level," Mr. Jaworski commended Nebraska generally and Omaha particularly for the effort now underway to create a regional corrections facility in Omaha. It was good to see that he views the proposed facility as I do—as a model program worthy of emulation throughout the Nation.

His talk also spotlighted the importance of our current consideration of proposed amendments to the 1968 Crime Control and Safe Streets Act, one of the major measures being the new part E which would channel massive amounts of Federal funds to the States to expand and improve their corrections programs.

The legislation states the purpose of this new section as encouraging "States and units of local government to develop and implement programs and projects for the construction, acquisition, and renovation of correctional institutions and facilities, and for the improvement of correctional programs and practices." All too often the States have found they do not have sufficient funds to adequately finance modern correctional programs. As a result, many of the facilities are out of date and inadequate, and the practices are outmoded and not consistent with current theories and penology.

While we have yet to work out the exact funding, I am pleased that the States can look forward to allocations of hundreds of millions of dollars in the next 3 years to bring their corrections up to date.

It is also worth noting that the National Commission on the Reform of Federal Criminal Laws, of which I am a member, is having its final meetings this week and will submit its report by January 1. One of the important things this Commission is attempting to do is to rethink the subject of sentences, probation, and parole with an eye toward tailoring punishment so that it is an effective antirecidivism device as well as a deterrent. It is hoped that this Commission will develop some very constructive thinking on this subject which Congress can consider and enact next year.

Mr. Jaworski's talk clearly stated the challenge which the Nation faces in the area of corrections. It is pleasing to me to note, as he does, that in Nebraska we have made a good beginning.

The importance is not only the beginning, however. It is the follow-through. Mr. Jaworski and I are agreed that this is a responsibility which we all share.

Mr. President, I ask unanimous consent that the text of Mr. Jaworski's address to the National Bar Association be printed in the RECORD.

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

THE CHALLENGE AND THE RESPONSE

(Address by Leon Jaworski)

It is a great pleasure to be in attendance with the members of the Nebraska Bar and to bring to you greetings from the American Bar Association, its officers, members and affiliated organizations. It is an especial privilege for me to be with you at this time because it enables me to share with you some thoughts on a problem in the administration of the law which is of special concern to society in these times. Moreover, I particularly embrace the opportunity of speaking to this audience because the State of Nebraska has taken very important strides just recently in facing the challenge. I refer to the matter of criminal corrections in all its aspects, including the administration of sentencing laws and the nature and quality of correctional services. The legal profession is called on today more so than ever before to exert leadership in creating much-needed improvements in the administration of justice and it is not only our high prerogative, it is our responsibility to respond with constructive action.

As you may be aware, I had the privilege and opportunity to serve as a member of the National Commission on Law Enforcement and Administration of Justice, generally known as the President's Crime Commission, appointed by President Johnson in 1965. The Commission, you may recall, made a number of major findings and recommendations concerning the administration of criminal justice, ranging from the problems of prevention of crime and its detection by the police to the matter of sentencing and correction. Not long thereafter, I had the further opportunity of serving on the National Commission on the Causes and Prevention of Violence, which was created in 1968 and was chaired by the Honorable Milton S. Eisenhower, the very distinguished former president of Johns Hopkins University, and the brother of our beloved president, Dwight Eisenhower. The National Violence Commission, undertook to make findings and recommendations concerning the whole variety of violent and incendiary behavior that has so sorely plagued our national community in the last decade or so.

The problems of criminal law administration and the matter of violence each unto themselves are extremely complex and multifaceted. Yet, one important problem was confronted by both Commissions, connecting the administration of criminal justice with the question of violence. This is the matter of the justness and the effectiveness of the policy and practice concerning the sentencing, supervision, punishment and rehabilitation of criminal offenders. I frankly confess that it was not until I had the exposure to this phase of the crime problem in my service on these Commissions, that I began to appreciate its full dimension.

In the administration of criminal justice, correction is in a profound sense the "payoff." As Mr. Chief Justice Burger has recently said in his address to the American Bar Association:

"We should stop thinking of criminal justice as something that begins with an arrest and ends with a final judgment of guilt. We must see it as embracing the entire spectrum, including that crucial period which begins when the litigation is over and the sentence is being carried out. It is here that the success or failure of our society will make itself known."

No matter how effective our procedures for detection of crime and enforcement of the criminal law may be, no matter how fair or efficient our procedure for adjudication of guilt, the criminal law cannot be more effective in the long run than the quality of the correctional procedures which are brought into play, once conviction has been secured. The quality of these procedures not only affects the particular individuals who are convicted of crime, but also those who may be influenced not to commit crime, that is those whom we are trying to deter away from crime and violence. What we must never forget is that every inmate of our prisons is due to mix and mingle again in society, sooner or later, barring a few.

The problem of criminal corrections assumed significance in the deliberations of the National Violence Commission because it became readily clear that so much of the violence with which we are afflicted can be attributed indirectly, if not directly, to failures in our correctional system. The fact is that most crimes of violence are committed by recidivists—people who have previously committed some sort of crime. In many instances, the original crime was also one of

violence, so that we encounter not only repetitions of crime, but repetitions of violent crime. As President Nixon noted in a memorandum to the Attorney General almost a year ago:

"Today, at least 40 percent of all offenders released from custody eventually return to prison. The FBI Uniform Crime Reports for 1968 show that 82 percent of a sample of offenders arrested in 1967–68 had been arrested previously. . . . The FBI report also shows that 67 percent of persons charged with burglary, 71 percent charged with auto theft and 60 percent charged with armed robbery, had been arrested at least twice in the preceding seven years. For those under 20 years of age, the repeater rates are even higher."

Violent recidivism represents not merely the occasion for further conviction and sentencing, but also a failure to achieve the correctional result aimed at in the first conviction.

To say this, is not necessarily to criticize the officials charged with the responsibility for managing our correctional systems. On the contrary, perhaps the most informed criticism of our present correctional system comes from these very officials, who know only too well the manifest inadequacies of the resources which they are given. Rather, the criticism is addressed to the community as a whole, and particularly to those of us who assume the special responsibility of the administration of justice. The criticism is offered in the constructive hope that we will focus more attention and more effort on this vital aspect of the administration of justice.

It has been my privilege to be part of such an effort at the national level through the ABA Special Committee on Crime Prevention and Control, the chairmanship of which I relinquished to the eminent lawyer, Edward Bennett Williams, when I assumed my present office. One of the by-products of the work of ABA in the field of crime prevention and control has been the creation of a Special Commission of the American Bar Association on Correctional Facilities and Services, proposed by the very distinguished immediate past president of the American Bar Association, Mr. Bernard G. Segal. When the ABA Board of Governors implemented the proposal by resolution, it stated that the purposes of the four-year Commission "are to inventory correctional services and studies as they currently exist, and, on the basis thereof, to recommend and implement specific measures of improvement, including the further development of correctional measures alternative to incarceration in correctional institutions. The work of the Commission shall be undertaken in cooperation with state and local bar associations, organizations in the correctional field, and other interested groups. Such associations and others are encouraged to create committees or other components to collaborate and cooperate with the Commission."

I am especially pleased to acknowledge on this occasion the action of the ABA Board of Governors, only a few days ago, in the selection of Robert J. Kutak of your bar as the Vice-Chairman of this distinguished Committee.

The overall plan of the Commission calls, inter alia, for sponsorship jointly with the Law Enforcement Assistance Administration and the University of Nebraska College of Law, of a National Conference on Correctional Law Reform. It will involve leaders in the program for correctional reform from each of the states.

The creation of the ABA's Special Committee on Crime Prevention and Control and its Special Commission on Correctional Facilities and Services are a recognition by the ABA of the special responsibility and opportunity of the bar in regard to this vital matter. We have a special responsibility because, as Chief Justice Burger has stated, the American Bar Association "accepts the concept that criminal justice embraces the correctional process." We have a special opportunity because only the legal profession has a communications network and a set of working relationships that extend from the nation's capital to every city and town across the country. The legal profession at the national level is making a major effort to devote that network and those working relationships to the cause of strengthening the correctional system in every state and community.

In this effort, the American Bar Association will be helped and inspired by the example of Nebraska. You are well aware of the important work of the Nebraska legislature in enacting a revised corrections code, the Treatment and Corrections Act of 1969. That code creates for this state the legal framework of a system of corrections that can be effective from the point of view of society and fair and constructive from the point of view of the sentenced offender. As many of you doubtless know, the Nebraska act is based in significant part on the Model Penal Code, itself a drafting achievement in which the bar played a significant role.

I am advised that further effort is going forward in this state to strengthen its correctional system and to give other states the benefit of its experience. There is pending a proposal before the Law Enforcement Assistance Administration under which the Nebraska experience, in revising its corrections law, can be made available to other states in the form of an explanatory handbook. If the experience of Nebraska in revising its correction code can be translated into a "how-to-do-it book," it will greatly help in the national effort to which I have referred. I commend this project to your attention and trust that many of you will lend your efforts to bringing it into fruition.

There are other immediate steps with which the bar of this state might concern itself. It is most important that we improve not only corrections law, but also corrections facilities and services. The best law in the world will not work without the means to do so. A vital aspect of improving corrections is facilities and services at the local level. As the Crime Commission warned over three years ago:

"Lack of community treatment facilities for misdemeanants and juveniles means the neglect of one of the most important lines of defense against serious crimes, since many persons with juvenile or misdemeanant records graduate to graver offenses. Lack of probation facilities also may mean that many minor and first-time offenders who would be more suitably and economically dealt with in the community, are instead institutionalized. And lack of supervision, particularly through parole, means that the community is being exposed to unnecessary risks and that offenders are going without assistance in reestablishing themselves in jobs and schools."

Many of you are acquainted with an effort now going forward to create a regional corrections facility and service centered in Omaha. It holds the potential of becoming a model program for emulation throughout the nation. Coordination of local correctional services and facilities begins with the recognition that in virtually all localities throughout the country there is a bewildering proliferation of agencies and authorities concerned with the administration of correctional services. Every city of significant size has its own separate jail and jail services, in many instances duplicating or overlapping those provided at the county level in the very same locality. Generally speaking, local jails are inadequate in physical facilities, and are almost invariably lacking in adequately trained personnel and adequately developed educational and vocational training programs. Similarly, there are divisions and sometimes conflicts of responsibility as between state government and local government concerning the diagnosis, classification and treatment of offenders. These divisions of authority and responsibility are reflected in multitudinous agencies that exist in the areas of probation, diagnosis, detention, work release and parole, even though the techniques used in these services are often comparable, even though the facilities which are needed in which to conduct them are substantially the same, and even though the individuals being processed—that is the offenders—are the same individuals.

It would be premature and presumptuous on my part to comment on the specific proposals being developed to meet this problem in this state. Whatever the merits of these proposed programs, it is clear that the practical administration of corrections, particularly at the local level, should be a matter of the most serious concern to every member of the bar. To recall once again what every experienced lawyer knows, it does very little good to create a system on paper that is not backed up with the necessary resources to make it a reality. Furthermore, it does very little good to provide facilities and services at one or the other governmental levels unless they can be coordinated with facilities and services at other levels as well. It is to be hoped that the experiment in the coordination of correctional services now going forward in the Omaha area can be successful. More specifically it is to be hoped that the members of the Nebraska Bar might lead the development of similar regional arrangements in the central and western parts of this state. If the state of Nebraska, through the leadership of its bar, could produce a workable plan for regionally coordinated administration of correctional services and facilities, it will have made a great contribution not only to the administration of justice, but also to the cause of federalism, through the preservation of state and local responsibility in this important area of the law.

Perhaps one final thought ought to inspire all of those who concern themselves with the law of corrections. The population involved in corrections—convicted offenders—is a very unattractive and unpopular sector of the community. Their conduct has been morally repugnant, legally offensive, and socially destructive. Yet, convicted criminal offenders cannot be wished into being made better individuals. They must be dealt with authoritatively and effectively. Hence, the legal profession, as the exponent of law, has no choice but to concern itself with corrections. In doing so, it is also our duty to make correctional services procedurally fair and functionally effective. Above all, the bar should help make the correction process subservient to the rule of law, seeking by example to reeducate those who have proven themselves to be in need of that kind of education and example. Proud of what you have already done, I commend this most important problem to your continued attention and professional concern.

The challenge I have shared with you today is one that every bar association duly mindful of its responsibilities must face. You have responded with a good beginning and we will follow with great interest the steps that come next.

WHERE DO AMERICANS REALLY STAND?

Mr. GOLDWATER. Mr. President, a recent issue of the Armed Forces Journal raised the provocative question of "Where do Americans really stand on alternatives for Southeast Asia?" The article was written by Mr. Benjamin F. Schemmer and states that the White

House and others may be in for a sizable jolt if a forthcoming poll of 1 million college students bears out the findings of two young Vietnam veterans regarding America's rockbottom convictions about alternatives in Southeast Asia.

Mr. Schemmer's article reports on the efforts of the two veterans as follows:

For eight months the two veterans have been taking their own grass roots survey, working mostly with their own funds and without backing from any group or individual. Responses so far to the newspaper and TV/Radio polls which they have stimulated show that 70% to 80% of the American people want to win in Vietnam.

Moreover, their polls show surprising public support for a two-day precision bombing raid against Haiphong Harbor and the Paul Doumer bridge in North Vietnam to choke off the flow of NVA/VietCong supplies into South Vietnam, Cambodia, Thailand, and Laos, and to force the release of American POWs.

Mr. Schemmer makes a point of showing that the poll taken by the Vietnam veterans contradicts almost directly the findings of Playboy magazine, which published a college poll in September claiming that 36 percent of the young people surveyed want the United States to pull out of Vietnam immediately, while 29 percent wanted to speed up our troop withdrawals.

Because of the important bearing such indicators might have on the deliberations of this Congress, I ask unanimous consent that Mr. Schemmer's article, published in the Armed Forces Journal of October 5, be printed in the RECORD.

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

[From the Armed Forces Journal, Oct. 5, 1970]

WHERE DO AMERICANS REALLY STAND ON ALTERNATIVES FOR SOUTHEAST ASIA?

(By Benjamin F. Schemmer)

The White House and Playboy magazine may be in for a jolt, if a forthcoming poll of 1-million college students bears out the findings of two young Vietnam veterans on America's real convictions about alternatives in Southeast Asia.

For eight months, the two veterans have been taking their own grass-roots survey, working mostly on their own funds and without backing from any group or individual. Responses so far to newspaper and TV/radio polls which they have stimulated show that 70–80% of the American people want to win in Vietnam.

Moreover, their polls show surprising public support for a two-day precision bombing raid against Haiphong Harbor and the Paul Doumer bridge in North Vietnam to choke off the flow of NVA/Viet Cong supplies into South Vietnam, Cambodia, Thailand, and Laos, and to force the release of American POWs. The bombing raids would be preceded by leaflet drops to let the North Vietnamese evacuate civilians and allow Allied ships to leave Haiphong Harbor, and would use conventional Paveway and Hobo glide bombs, said to be accurate within about 10 feet.

The veterans, retired Army Maj. Jim Cawdrey and former USMC Cpl. Dan Johnson, believe the Administration has grossly misjudged student feelings about Vietnam, and are about to poll 1-million college youngsters with the help of a nationally recognized marketing company.

If results of the college poll bear out the expectations of Cawdrey and Johnson, the White House will find that of three Southeast alternatives spelled out in the forthcoming poll—Immediate Withdrawal, Vietnamization, and "Peace Through Victory" (involving the B–52 attacks against Haiphong)—American youngsters really want to see the U.S. try for victory. That's what Cawdrey and Johnson have found in the sampling they've taken to date.

If they are right, Playboy magazine will be as surprised as the White House. In its annual college poll, published in the September issue, Playboy claimed that 36% of 7,300 youngsters surveyed wanted to see the country "pull out now," while 29% wanted to "speed up withdrawal." Only 9% thought the U.S. should "fight for total victory, no matter what." Playboy told the Journal the poll was conducted last spring by its editorial staff, not by an independent polling group.

The White House, however, apparently thinks *Playboy's* barometer is pretty accurate. Some weeks ago, for instance, Dr. Henry Kissinger was asked by a reporter about the feasibility of drying up the North Vietnamese supply system and forcing a victory within 60 days through the very kind of bombing program which Cawdrey and Johnson have proposed. Kissinger reportedly said the plan was feasible. However, he then told the reporter, "But you got to handle the students." By various press reports, Kissinger was caught totally by surprise and is still shaken up over the college campus disorders which followed the President's decision in May to invade Cambodia.

A $64 QUESTION

The real question at issue, therefore, is how accurately the Administration has judged Americans' true feelings about alternatives in Southeast Asia, since its perception of public opinion weighs so heavily in deciding future courses of action.

Cawdrey and Johnson have some impressive statistics to suggest that public opinion may not be what the Administration believes it to be. On a recent tour of seven western states, the two appeared on 47 radio and 24 TV stations and were written up in 12 major newspaper articles, totaling over 5,000 words. Polls taken by radio "talk" shows—where listeners called to express their views on the three alternatives of Immediate Withdrawal, Vietnamization, or Peace Through Victory—typically came out in favor of victory. Station KGMC in Denver found 87% of its listeners wanted to win; KSXX and KSL in Salt Lake City found 73 and 80%, respectively, in favor of the Peace Through Victory alternative; in Seattle, KTW found 75% of its listeners for victory; and in Idaho Falls, 80% of KTEE's listeners opted for a win.

Cawdrey and Johnson say they find similar results wherever they appear. Last March, for instance, they appeared on WINQ in Tampa, Florida. After their visit, a station official wrote them to say:

". . . another of our illustrious talkmasters took a running poll last week regarding solutions to the Vietnam problem. We received nearly 200 phone calls during that program. Each caller was permitted to place one vote for one of five possible solutions, which were categorized as follows: (1) Immediate withdrawal; (2) Withdrawal within 18 months; (3) Gradual withdrawal as with Vietnamization; (4) Keep fighting; or Vietnamization; (4) Keep fighting; or (5) Bombing Hai Phong harbor.

"We were somewhat surprised to learn that over 85% of our callers voted for the fifth solution."

Even *New Republic* magazine, which has been editorializing for voter support this fall of "peace" candidates running for Congress, ran a recent article which also suggests that the Cawdrey-Johnson estimate of real college student sentiment about Vietnam may be closer to the truth than *Playboy's* and the Administration's.

New Republic's 26 September issue quotes a May Gallup poll in which Americans were asked, "Do you think the U.S. made a mistake sending troops to fight in Vietnam?" Fifty-six percent of those polled said "Yes." But the most hawkish of four age groups surveyed was the group *under 30*. Young people were almost evenly divided: 49% said, "Yes, it was a mistake," while 48% thought not. Put another way, the poll showed that whereas people over 50 think our action in Vietnam was a mistake—by more than a two-to-one majority—*young* voters think so by barely one percentage point.

Last December, DBS took what it called a "random sampling" of 1,154 Americans over age 21, and found that only one in four favored immediate withdrawal from Vietnam. Three-fourths identified themselves as the "silent majority" to which President Nixon had referred in a 3 November speech. Asked by the network if they would favor an "all-out attack" if it would end the war at once, seven out of 10 people polled by CBS said they would advocate such an attack.

NO DOD POLL

A senior Department of Defense official told The JOURNAL DoD has not conducted any poll of its own on public opinion about Southeast Asia alternatives, and said he could not single out one poll over another as being more representative of likely American views on Vietnam policy. However, he cautioned that none of the polls discussed above could be considered "very scientific."

The DoD spokesman included in that remark a recent poll by the American Security Council, generally considered to be a fairly hawkish and "more defense whatever the cost" group. Nevertheless, the poll's statistics are impressive—especially in the absence of others from DoD.

From 1 July to 31 August of this year, the American Security Council ran ads in 203 newspapers covering 44 states, asking readers if they agreed, disagreed, or were undecided on 10 separate "national security issues." In all, 27,197 readers responded. On the statement, "The United States should have a national objective of victory in Vietnam," more than 78% of those who responded to the poll agreed. Fourteen percent disagreed, and 8% were undecided.

As the *Playboy, New Republic* Cawdrey/Johnson, and American Security Council contrasts suggest, there is ample reason for the Administration to be confused and uncertain over where America really stands on the Vietnam war. White House officials reportedly have their own, more scientific polls of public opinion on Southeast Asia alternatives, but when asked for details about them would not provide any.

As "unscientific" as their poll may be, veterans Cawdrey and Johnson are two very impressive young men. They are not "right wing nuts" trying to obliterate North Vietnam. Their sincerity is disarming, and their quiet, articulate bearing commands respect.

Dan Johnson is a former Marine, wounded once in Vietnam. He last served there with the Fifth Marines. Jim Cawdrey was a senior district advisor and provincial psychological warfare advisor in Vietnam from mid-1965 to mid-1966. (He was retired after being shot in a freak accident at Schofield Barracks after his Vietnam tour.) Commissioned out of Infantry OCS in 1961, he speaks, reads, and writes Vietnamese and did graduate work in Asian studies at the University of Hawaii.

Both believe that a quick military victory in Vietnam is possible, and that bombing Haiphong Harbor and the Paul Doumer bridge (through which 97% of North Vietnam's supplies are transported) is the key. They feel strongly that such an attack—coupled with the threat of follow-up raids

against North Vietnamese power stations and dikes in the North—is the only way to persuade North Vietnam to release over 1,500 Americans held as prisoners of war or listed as missing in action.

They point out that bombing didn't work before because key targets were not hit, and because accurate laser-guided weapons such as Paveway were not available. POW wives with whom they've talked reportedly favor their approach and point out that the lives of American POWs were not jeopardized by earlier bombing raids against North Vietnam.

The two veterans started their grassroots effect after Johnson early last year attended a dinner speech by Senator Barry Goldwater (R-Ariz), calling for a victory drive in Vietnam. Johnson says the audience's enthusiastic response—and comments like "That's the way I've always felt, but what can one man do?"—caused him to wonder if public opinion on the war was really understood. Cawdrey heard about Johnson's grass-roots effort, and decided to join him. Until recent months, when they've received about $6,000 in private small donations to expand their polling effort, both have been touring the country paying all expenses from their retirement and savings. They now have over 300 local committees in all 50 states, organized under the name National Committee for Lasting Peace, helping in the effort. They work out of San Diego (P.O. Box 4588, zip 92104, phone 714-234-2004).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1971

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 18515, and that the unfinished business, House Joint Resolution 264, continue to be laid aside temporarily until H.R. 18515, as well as the agricultural conference report are disposed of.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, and I do not expect to object, does the distinguished assistant majority leader have any idea when the conference report on the farm bill might be called up?

Mr. KENNEDY. It is the intention of the leadership to get to that matter sometime early this afternoon or in the middle of the afternoon. It is a privileged matter. The leadership announced in the early part of the week that it intended to call up the matter on Thursday, probably in the middle of the afternoon.

Mr. GRIFFIN. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The legislative clerk read the bill by title as follows:

A bill (H.R. 18515) making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the bill.

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

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

Mr. JAVITS. Mr. President, I call up an amendment on behalf of myself, the Senator from North Dakota (Mr. YOUNG), and the Senator from Texas (Mr. YARBOROUGH), which I have sent to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 15, line 13, delete the period and insert a colon and add the following: "Provided further, That of the amount appropriated $7,500,000 shall be available for research, training and demonstration projects in the field of kidney disease."

Mr. JAVITS. Mr. President, the National Kidney Disease Act of 1969 was introduced in the Senate with the cosponsorship of the distinguished Chairman of the Committee on Commerce, who is also the Chairman of the Subcommittee on Labor and HEW handling the bill on the floor, and 38 other Senators from both parties, seeking to launch a national comprehensive cooperative medical program for the treatment, control, and prevention of kidney disease

This bill was enacted into law as Public Law 91-515. This public law deals with a very serious problem relating to kidney disease, which has affected nearly 8 million people in the United States, approximately 60,000 of whom die each year if life sustaining treatment is not made available to them.

Incidentally, kidney disease is the fourth largest cause of deaths in the United States and a chronic disease that tends to strike in the middle and most productive years of life. The inclusion of kidney disease in the regional medical program means that emphasis has been placed on the development of cooperative arrangements among the providers of health care to improve the quality and availability of care for this specific disease.

It is very interesting to note that this disease is one that lends itself to the most advanced techniques, that 3,000 kidney transplants already have been made in the United States, and that the rejection rate in this field is being remarkably reduced. It is one of the most extraordinary uses of the transplant. The cost of transplantation has decreased by approximately two-thirds in the intervening few years.

Under these circumstances, Mr. President, and in view of its incidence in the regional medical program and the advanced character which it holds in the field of dealing with major diseases which are killers in the United States, we thought it was desirable—and hope very much that the manager of the bill will agree—that a given sum, which we believe to be somewhat even less than is actually contemplated in the general appropriation which is set forth here, may be earmarked, so that those who are interested—and the national organizations here have done an extraordinary fine job—may have some basic assurance as to the amount of the aggregate for regional medical programs which is required by the legislation to be utilized for this purpose.

I should like to point out that the committee has made another proviso with respect to research and demonstration on early care for suspected coronary patients, thus indicating that its mind is oriented to the desirability of earmarking in some highly desirable cases. Inasmuch as this is a new program, in which many of us have joined, I hope very much that the committee may find it desirable in the same way for the amount that I have named.

No increase in the appropriation is sought or required. It is simply a question of making clear that we hope and expect that a given amount of it will be used for this highly desirable purpose.

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

Mr. JAVITS. I yield.

Mr. MAGNUSON. The Senator from New Hampshire and I were very conscious of this program, and for the first time, some money was earmarked in the so-called operational grants. We added $4 million, which will make a total of $8 million, specifically identified—as the Senator from New York has pointed out so well—for the kidney disease problem.

There was no money in the budget for kidney disease RMP grants. We felt the more we could orient the money for this sort of thing, the more successful it will be. No one is more interested in this whole program than I am, because the kidney machine was perfected by a friend of mine, in my State, and from the University of Washington. We have a private kidney machine center there. The problem there, of course, is that the cost to the individual patient is so high for kidney dialysis treatments. We would have liked to put more money into the bill, but we found we would accomplish more by research and demonstration and increasing special kidney disease manpower training under the medical part of the bill. Even though the personnel cost is so high, we cannot find enough trained personnel who know how to operate dialysis treatment machinery, or help train those patients and their families to use the portable home treatment machines.

In the meantime, as the Senator mentioned, renal transplantation has become an exciting thing in the medical profession. They are going to work. The rejections are getting lower and lower all the time. Yet we have much to learn through research grants and demonstrations. I think the Senator's amendment is well directed. The only thing that bothers me a little bit is, where does the Senator get the figure, or how does he arrive at the $7.5 million within the $8 million?

Mr. JAVITS. From the agency.

Mr. MAGNUSON. From the agency itself? Because we had some difficulty dividing this——

Mr. JAVITS. I do not mean a Government agency. I mean the voluntary kidney group.

Mr. MAGNUSON. Yes, that is right. How would that affect the operational grants? $7.5 million would be total for operational grants?

Mr. JAVITS. It is not necessarily a roof, it is really a guaranteed floor.

Mr. MAGNUSON. Yes, because we have another $4 million within the program that will be used for kidney disease. It is all for kidney disease, artificial kidney and renal transplantation, and connected but might be a little different thing. I have no objection to earmarking, but I am wondering whether the Senator would not amend his amendment to make it $7 million so that we would have at least $1 million for the disease control program, which is informational, and preventive, so that we would have some money for that, and some leeway.

Mr. JAVITS. Mr. President, the Senator from Washington is just as much interested in this as I am. If he says that is the way he would like to see it, I modify my amendment accordingly, to provide for earmarking $7 million instead of $7.5 million.

The PRESIDING OFFICER (Mr. McINTYRE). The amendment is so modified.

Mr. COTTON. Mr. President, the Senator from Washington and the Senator from New Hampshire concurred in this amendment and it is my understanding that we are both willing to accept it in its present form.

Mr. MAGNUSON. I am glad to accept the amendment and to take it to conference, but may I say this to the Senator from New York, that the Senator from New Hampshire and I would like to have done more, because this is an exciting program under the regional medical program. The pilot operations are very interesting and if they are successful we shall urge a great deal more emphasis on them in the next session.

Mr. JAVITS. I thank my colleague from Washington very much. I repeat, the Senator from Washington and the Senator from New Hampshire are just as interested in this issue as I am. I know that all in the medical field will be very much pleased to follow their lead.

Mr. YARBOROUGH. Mr. President, I am today joining with Senators JAVITS and YOUNG of North Dakota in supporting the amendment to H.R. 18515, the appropriation for Health, Education, and Welfare and related agencies, which would provide for $7,000,000 in earmarked funds in the regional medical program for a "start-up" program for the field of kidney disease.

I was the sponsor of the bill which passed this year, now Public Law 91–515, to extend the regional medical program. One of the major new provisions of Public Law 91–515 is the addition of kidney disease to the regional medical program and the providing of $15,000,000 in specific authorized funds to assist in a balanced overall attack on kidney disease. The amendment offered today provides $7,500,000 for this purpose. The amount is roughly prorated as to the number of months remaining in the fiscal year.

I call to the attention of my colleagues that:

Kidney disease is the fourth leading cause of death among our citizens under 25 years of age;

Over 26,000 Americans need the artificial kidney machine and/or a transplantation to maintain life, yet only one in nine are receiving this treatment today;

Kidney disease is the leading cause of absenteeism from work among American women.

The sad fact of these statistics is that something can be done if a reasonable level of support is offered for a kidney disease program in the regional medical network. Further, I am impressed with the dramatic advances that have been made in the kidney research field and are now ready to be delivered to the American people. The preservation of cadaver kidneys is now possible up to 50 hours. The techniques of tissue typing have been greatly refined. The costs of the artificial kidney treatment and transplantation have been greatly reduced. The rejection rate in cadaver kidney transplants is being reduced each year. All of these advances lead me to predict that the medical community concerned with kidney disease is on the threshold of delivering service to the great bulk of people who suffer from chronic and end-stage renal disease.

Mr. President, I ask the Senate to adopt the amendment which does not add new funds to this appropriation bill, but only earmarks funds to establish a kidney disease program in the regional medical program.

For those of us in the Congress who have supported health research and development over the years, it is gratifying to see a major disease category make great advances in the field of delivery. I think we can do no less than support the effort of these dedicated people who have made the research breakthrough and now want to see the American people the chief beneficiaries.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from New York.

The amendment, as modified, was agreed to.

The text of the amendment, as modified, is as follows:

On page 15, line 13, delete the period and insert a colon and add the following: *Provided further,* That of the amount appropriated $7,000,000 shall be available for research, training and demonstration projects in the field of kidney disease."

AMENDMENT NO. 1068

Mr. JAVITS. Mr. President, I call up my amendment No. 1068 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

On page 42, line 1, strike out "$894,400,000" and insert in lieu thereof $2,245,500,000", and insert after *"Provided,"* the following: "That of such amount $802,000,000 shall be for work and training programs under parts A, B, and E of title I of such Act pursuant to delegation arrangements under section 602(d) of such Act and $398,000,000 shall be for the Project Headstart program under section 222(a)(1) of such Act pursuant to delegation arrangements under section 602(d) of such Act: *Provided further,".*

On page 2, strike out all beginning with the word "and" the first place it appears on line 11 through the word "of" on line 13 and strike out all beginning with the word "appropriated" on line 14 through the word "shall" on line 15 and insert in lieu thereof the word "to".

Strike out all beginning with the colon on line 23 of page 2 through the last word on line 10 of page 3.

On page 25, strike out lines 16 through 20.

On page 33, strike out lines 14 through 17, and insert in lieu thereof the following: "Conference on Children and Youth $7,417,000."

Mr. JAVITS. Mr. President, I ask unanimous consent that the name of the Senator from Montana (Mr. METCALF) be added as a cosponsor of this amendment.

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

Mr. JAVITS. Mr. President, this is a very comprehensive and important amendment. It will take some time to debate it. I think that Senators should be advised that it is being considered.

It is submitted on behalf of myself, and Senators BAYH, BROOKE, CHURCH, CRANSTON, GOODELL, HARRIS, HART, KENNEDY, McGOVERN, MONDALE, MUSKIE, NELSON, PELL, YARBOROUGH.

The point of the amendment is that it seeks to increase appropriations for the poverty program up to the basic amount which is authorized, and seeks also to deal with the question of appropriations to the Office of Economic Opportunity rather than to break down, as yet, this appropriation to the Departments of Labor and Health, Education, and Welfare. The latter is a technical question which the committee has dealt with in its report and which we have dealt with in the amendment.

Mr. President, I should like to explain that the full basic authorized amount is $2,295,500, but $50 million has been appropriated in respect of the desegregation of schools and, therefore, that the $2,245,500 is the basic authorized amount. Our amendment seeks to increase the amount provided by the committee by $181,600,000.

May I say that I happen to be very, very close to both Senators who are in charge of this measure on the floor in a personal sense. I do not in any way raise the remotest question that they have not done all they could in the Appropriations Committee, that their hearts are not in this as much as mine, or any other Member. Nothing would have pleased them more than if they could have provided the full basic amount. I have been a member of the Appropriations Committee and I wish to be the first one to testify to this be-

cause I know it from personal knowledge. It is making and adjusting the priorities within the bill, within the whole national budgetary establishment. This is not an inappreciable sum of money that is involved. So let me make it crystal clear to all those interested in increasing this amount—and a great many people in the country obviously are—that I consider the Senator from Washington (Mr. MAGNUSON) and the Senator from New Hampshire (Mr. COTTON) have rendered magnificent service to that very cause in the way in which they have brought the committee along as far as it has gone. No one knows that better than I how tough that is. The responsibility must now be shared by all of us in the Senate without in any way engaging in an adversary proceeding as between the managers of the bill and ourselves.

In that spirit, Mr. President, I should now like to suggest the absence of a quorum in order to advise Senators that this very important matter is about to be debated.

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

Mr. MAGNUSON. Before the Senator does that, let me say that this is a very complicated matter. I want to ask the Senator from New York, as we have the figures now, this amendment would add $181,600,000 to the bill; is that correct?

Mr. JAVITS. That is correct.

Mr. MAGNUSON. All of it?

Mr. JAVITS. That is correct.

Mr. MAGNUSON. I am particularly interested in one part of the amendment in which the Senator suggests that of the $181 million, $59 million is for Headstart.

Mr. JAVITS. That is correct, bringing it up to the full earmarked authorization of $319 million.

Mr. MAGNUSON. We already added $17.7 million to Headstart, is that right?

Mr. JAVITS. That is right.

Mr. MAGNUSON. I understand that even with the $17.7 million we added over the last year's budget, Headstart would still be $11 million or $12 million short this year, or will be; is that correct?

Mr. JAVITS. Yes. That is the administration's figure.

Mr. MAGNUSON. That is the administration's figure, yes, not ours. So that for Headstart we are talking about $59 million that the Senator suggests in his amendment, and at least $11 or $12 million is needed just to keep the Headstart program going at the same level of activity as last year.

Mr. JAVITS. Right.

Mr. MAGNUSON. Mr. President, that is as against the $17.7 million we already put in, which would bring the total to $13 million more than 1970

Mr. JAVITS. The Senator is correct.

Mr. MAGNUSON. But there is $11 million or $12 million that may be needed. So, if we add that, that would be $29 or $30 million instead of $59 million. Is that a reasonable round figure?

Mr. JAVITS. The Senator is correct. Again, I speak in no sense in an adversary way. May I ask the chairman whether he would like to see this amendment voted on as a unit. If so, it is entirely agreeable to us.

Mr. MAGNUSON. Mr. President, this amendment includes $7,417,000 for the conference on children and youth.

Mr. JAVITS. The Senator is correct.

Mr. MAGNUSON. That is not a new item?

Mr. JAVITS. It is an item that is in the bill, as I understand it. Let us unravel that in a moment.

Mr. MAGNUSON. That is not added.

Mr. JAVITS. No, that is not added.

Mr. MAGNUSON. That is an item that is in the bill. But the Senator drew the language specifically to that?

Mr. JAVITS. The Senator is correct.

Mr. MAGNUSON. Then the Senator has some further additions with respect to the so-called manpower training program.

Mr. JAVITS. This brings manpower training up to the administration's figure. They are effective, as I understand it, only in continuing the practice by which OEO delegates it to the Department of Labor.

Mr. MAGNUSON. The broad policy question involved is a serious one that the Senator and our committee gave serious consideration to. I think that this is an unwholesome practice, to appropriate money to one agency which then turns it over to another agency to administer.

We thought it was about time that the agency that was going to administer the program come down and ask for their own funds. We would then appropriate the money to them directly.

I do not have the figures, but I would suggest that we might lose $20 to $30 million by this switch and the inefficiency inherent in this procedure.

Mr. JAVITS. Mr. President, that is an appropriate element of debate. We do not lose any money. On the contrary, we gain in a continuation of the programs. That is why we did it this way. I am on the committee that authorized it. I am the ranking Republican member.

We believe there is a period of transition in which the OEO will have primary responsibility. That is highly desirable. It is not only a question of money. It does not change the money, but it does change the way in which the antipoverty program is run.

The Senator may recall that we had considerable debate on that in the consideration of the authorizing legislation. Incidentally, the authorizing legislation runs out next year. We decided that a transition period was required.

I will make a case, and I hope very much that it will have the sympathetic consideration of the Committee. We should not change the track upon which this thing is run until we change the authorizing legislation or recast it. The authorizing legislation allowed a few years of transition. This could be the final year.

Mr. MAGNUSON. Mr. President, the Senator from New Hampshire and I on yesterday made it perfectly clear in our opening statements that we have no intention of changing the authorization for the OEO or the other agencies, or the actual operation of these programs as they relate to the worthy recipients. But when the Senator refers to changing the track, he is right. We should put it on a main line and get it out of the switchyard.

We did appropriate money for the OEO and for the Headstart programs. However, it is pretty confusing to appropriate money to one agency and find it turned over to another agency for administration. That was not the fault of the authorizing legislation. This was a matter of policy by which the administration wanted to abolish the children's bureau and put it in this other office, and turn the money over to them.

The same thing has happened in the job training program.

We appropriate money to the OEO and then the Department of Labor administers the program. We think this is bad practice. There should be a transition period, yes. However, last year they promised us they were going to bring up the appropriation request in the departments that were going to administer the programs. They did not do it. That is why we did this.

Mr. JAVITS. Mr. President, it is a very suitable subject for debate.

Mr. MAGNUSON. But they piously said they would do it next year. The Senator from New York knows how often that happens.

Mr. JAVITS. I do, indeed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. JAVITS. Mr. President, I understand that there are five separate issues, according to the Parliamentarian's analysis, which are contained in the amendment, as follows:

The first issue occurs in the text of the amendment, amendment No. 1068, on page 1, line 1, up to and including page 2, line 4.

The second issue occurs at page 2, lines 5 to 9, inclusive.

The third issue occurs on page 2, lines 10 and 11.

The fourth issue is on page 2, line 12.

And the fifth issue is at page 2, lines 13 to 15.

Mr. President, I originally suggested that I would make a unanimous-consent request to consider them en bloc. I understand exception is taken to that. Therefore, I withhold that request. I assume the manager of the bill will, in due course, decide exactly how he wants to deal with them separately, but I flag the separations for the convenience of the Senate.

Mr. MAGNUSON. Mr. President, I appreciate that. The Senator can bring them up in any order he wishes.

Mr. JAVITS. I would hope we could have a vote on the first item in due course, which is on page 1, line 1, to page 2, line 4, inclusive.

Mr. COTTON. Mr. President, I assume it is necessary that a Senator demand a

division, and I do demand a division of the amendment into exactly those five items that have been very clearly outlined by the very distinguished Senator from New York.

The PRESIDING OFFICER. The amendment will be so divided.

Mr. JAVITS. Mr. President, I yield to the majority leader

Mr. MANSFIELD. Mr. President, for the information of the Senate, I would like to point out that at approximately 1 o'clock the conference report on the farm bill will be taken up and become the pending order of business at that time.

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

Mr. MANSFIELD. I yield.

Mr. JAVITS. Could we have a little idea of time, so Senators can guide themselves?

Mr. MANSFIELD. No. We will have to see how it goes.

Mr. JAVITS. There is no way of knowing? In other words, this bill will be set aside?

Mr. MANSFIELD. Yes, because the conference report is a privileged matter.

Mr. JAVITS. And the majority leader has no idea as to how long it will take?

Mr. MANSFIELD. No, but if I get an indication I will let the Senator know.

Mr. JAVITS. It is important to know whether this matter will go over until tomorrow.

Would the majority leader find it convenient—perhaps the manager of the bill would, too—if we could agree on a time limitation for debate of the first item in this amendment, which is really the decisive one?

Mr. MAGNUSON. That is the Headstart?

Mr. MANSFIELD. That is the Headstart, and the increase in amount. Once that is decided, I believe the others will be very simple.

Mr. MAGNUSON. Oh, no. That puts everything back into OEO?

Mr. JAVITS. Yes.

Mr. MAGNUSON. I think there is going to be a great deal of discussion on that. I think we can get to some agreement on Headstart, but when the Senator divides it that way, it undoes what the committee unanimously did.

Mr. JAVITS. We will go ahead.

Mr. MAGNUSON. I think on the Headstart amounts we could come to some agreement.

Mr. JAVITS. As long as we are, in a sense, speaking with each other in the expectation of trying to do something about that, might we come to some agreement on the manpower training amounts?

Mr. MAGNUSON. I have not looked into that. That is something new in the amendment.

Mr. JAVITS. It relates to various categories, including summer jobs.

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

Mr. JAVITS. I yield.

Mr. MANSFIELD. In view of the circumstances, I think I ought to reiterate my announcement that at the hour of approximately 1 o'clock debate will begin on the conference report on the farm bill.

Mr. JAVITS. If we could agree to some limitation on some part of the amendment, would the Senator be inclined to agree to let us complete action on that part of it—say an hour or an hour and a half?

Mr. MANSFIELD. Yes——

Mr. MAGNUSON. I think the Senator from New Hampshire would be glad to have a limitation on No. 5.

Mr. JAVITS. That does not even represent a difference between us. It is just a statement of fact. That is not in controversy.

Mr. MAGNUSON. The Senator put Headstart in the other part.

Mr. JAVITS. Yes; Headstart, devolution of authority, and the manpower training funds.

Mr. MAGNUSON. I have not checked the manpower training. As a matter of fact, we sent this proposal to the Departments of Labor and Health, Education, and Welfare, and the other Departments, and they could not understand it, themselves, and they sent us back a letter that we could not understand. So we have had a little problem sorting out these additional amounts and understanding exactly what is done to each program.

Mr. COTTON. Mr. President, if the Senator will yield, the hour of 1 o'clock will come in 20 minutes. Outside of part No. 5, I cannot imagine one division of the amendment that will be terminated in 20 minutes. So we might as well get going on the conference report on the farm bill now as to take 20 minutes and still have nothing resolved.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and at the conclusion of that quorum call it will be the intent to bring up the conference report on agriculture.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. JAVITS. Mr. President, some question has been raised about the intent of the amendment at page 2, lines 13 to 15. It gives an impression, on superficial reading, that some intention is contained there to give $7,417,000 to a single conference. There is no such intention, Mr. President.

I therefore ask that my amendment be modified by striking out what is now contained in the amendment at page 2, lines 13 to 15, and inserting in lieu thereof the following:

On page 33, strike lines 11 to 17, inclusive, and insert in lieu thereof the following:

For carrying out, except as otherwise provided, section 426 of the Social Security Act and the Act of April 9, 1912 (42 U.S.C. 191) and for partial support of a White House Conference on Children and Youth, $7,417,000.

The PRESIDING OFFICER. Will the Senator send the modification to the desk?

Mr. JAVITS. Yes.

The PRESIDING OFFICER. The amendment is so modified.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

FAMILY PLANNING SERVICES AND POPULATION RESEARCH ACT OF 1970

Mr. YARBOROUGH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2108.

The PRESIDING OFFICER (Mr. McINTYRE) laid before the Senate the amendments of the House of Representatives to the bill (S. 2108) to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes, which were to strike out all after the enacting clause, and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Family Planning Services and Population Research Act of 1970".

DECLARATION OF PURPOSE

SEC. 2. It is the purpose of this Act—

(1) to assist in making comprehensive voluntary family planning services readily available to all persons desiring such services;

(2) to coordinate domestic population and family planning research with the present and future needs of family planning programs;

(3) to improve administrative and operational supervision of domestic family planning services and of population research programs related to such services;

(4) to enable public and nonprofit private entities to plan and develop comprehensive programs of family planning services;

(5) to develop and make readily available information (including educational materials) on family planning and population growth to all persons desiring such information;

(6) to evaluate and improve the effectiveness of family planning service programs and of population research;

(7) to assist in providing trained manpower needed to effectively carry out programs of population research and family planning services; and

(8) to establish an Office of Population Affairs in the Department of Health, Education, and Welfare as a primary focus within the Federal Government on matters pertaining to population research and family planning, through which the Secretary of Health, Education, and Welfare (hereafter in this Act referred to as the "Secretary") shall carry out the purposes of this Act.

OFFICE OF POPULATION AFFAIRS

SEC. 3. (a) There is established within the Department of Health, Education, and Welfare an Office of Population Affairs to be directed by a Deputy Assistant Secretary for Population Affairs under the direct supervision of the Assistant Secretary for Health

and Scientific Affairs. The Deputy Assistant Secretary for Population Affairs shall be appointed by the Secretary.

(b) The Secretary is authorized to provide the Office of Population Affairs with such full-time professional and clerical staff and with the services of such consultants as may be necessary for it to carry out its duties and functions.

FUNCTIONS OF THE DEPUTY ASSISTANT SECRETARY FOR POPULATION AFFAIRS

SEC. 4. The Secretary shall utilize the Deputy Assistant Secretary for Population Affairs—

(1) to administer all Federal laws for which the Secretary has administrative responsibility and which provide for or authorize the making of grants or contracts related to population research and family planning programs;

(2) to administer and be responsible for all population and family planning research carried on directly by the Department of Health, Education, and Welfare or supported by the Department through grants to, or contracts with, entities and individuals;

(3) to act as a clearinghouse for information pertaining to domestic and international population research and family planning programs for use by all interested persons and public and private entities;

(4) to provide a liaison with the activities carried on by other agencies and instrumentalities of the Federal Government relating to population research and family planning;

(5) to provide or support training for necessary manpower for domestic programs of population research and family planning programs of service and research; and

(6) to coordinate and be responsible for the evaluation of the other Department of Health, Education, and Welfare programs related to population research and family planning and to make periodic recommendations to the Secretary.

PLANS AND REPORTS

SEC. 5. (a) Not later than six months after the date of enactment of this Act the Secretary shal. make a report to the Congress setting forth a plan, to be carried out over a period of five years, for extension of family planning services to all persons desiring such services, for family planning and population research programs, for training of necessary manpower for the programs authorized by title X of the Public Health Service Act and other Federal laws for which the Secretary has responsibility, and for carrying out the other purposes set forth in this Act.

(b) Such a plan shall, at a minimum, indicate on a phased basis—

(1) the number of individuals to be served by family planning programs under title X of the Public Health Service Act and other Federal laws for which the Secretary has responsibility, the types of family planning and population growth information and educational materials to be developed under such laws and how they will be made available, the research goals to be reached under such laws, and the manpower to be trained under such laws;

(2) an estimate of the costs and personnel requirements needed to meet these objectives; and

(3) the steps to be taken to establish a systematic reporting system capable of yielding comprehensive data on which service figures and program evaluations for the Department of Health, Education, and Welfare shall be based.

(c) On or before January 1, 1972, and on or before each January 1 thereafter for a period five years, the Secretary shall submit to the Congress a report which shall—

(1) compare results achieved during the preceding fiscal year with the objectives established for such year under the plan.

(2) indicate steps being taken to achieve the objective during the remaining fiscal years of the plan and any revisions necessary to meet these objectives; and

(3) make recommendations with respect to any additional legislative or administrative action necessary or desirable in carrying out the plan.

AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

SEC. 6. (a) Section 1 of the Public Health Service Act is amended by striking out "Titles I to IX" and inserting in lieu thereof "Titles I to X."

(b) The Act of July 1, 1944 (68 Stat. 682), as amended, is further amended by renumbering title X (as in effect prior to the enactment of this Act) as title XI, and by renumbering sections 1001 through 1014 (as in effect prior to the enactment of this Act), and references thereto, as sections 1101 through, 1114 respectively.

(c) The Public Health Service Act (42 U.S.C., ch. 6A) is further amended by adding after title IX the following new title:

"TITLE X—POPULATION RESEARCH AND VOLUNTARY FAMILY PLANNING PROGRAMS

"PROJECT GRANTS AND CONTRACTS FOR FAMILY PLANNING SERVICES

"SEC. 1001. (a) The Secretary is authorized to make grants to and enter into contracts with public or nonprofit private entities to assist in the establishment and operation of voluntary family planning projects.

"(b) In making grants and contracts under this section the Secretary shall take into account the number of patients to be served, the extent to which family planning services are needed locally, the relative need of the applicant, and its capacity to make rapid and effective use of such assistance.

"(c) For the purpose of making grants and contracts under this section, there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1971; $40,000,000 for the fiscal year ending June 30, 1972; and $60,000,000 for the fiscal year ending June 30, 1973.

"FORMULA GRANTS TO STATES FOR FAMILY PLANNING SERVICES

"SEC. 1002. (a) The Secretary is authorized to make grants, from allotments made under subsection (b), to State health authorities to assist in planning, establishing, maintaining, coordinating, and evaluating family planning services. No grant may be made to a State health authority under this section unless such authority has submitted, and had approved by the Secretary, a State plan for a coordinated and comprehensive program of family planning services.

"(b) The sums appropriated to carry out the provisions of this section shall be allotted to the States by the Secretary on the basis of the population and the financial need of the respective States.

"(c) For the purposes of this section, the term 'State' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the District of Columbia, and the Trust Territory of the Pacific Islands.

"(d) For the purpose of making grants under this section, they are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1971, $15,000,000 for the fiscal year ending June 30, 1972; and $20,000,000 for the fiscal year ending June 30, 1973.

"TRAINING GRANTS AND CONTRACTS

"SEC. 1003. (a) The Secretary is authorized to enter into grants to public or nonprofit private entities and to make contracts with public or private entities and individuals to provide the training for personnel to carry out family planning service programs described in section 1001 or 1002.

"(b) For the purpose of making grants and contracts under this section, there are authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1971; $3,000,000 for the fiscal year ending June 30, 1972; and $4,000,000 for the fiscal year ending June 30, 1973.

"RESEARCH GRANTS AND CONTRACTS

"SEC. 1004. (a) In order to promote research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population, the Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals for projects for research and research training in such fields.

"(b) For the purpose of making grants and contracts under this section, there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1971; $30,000,000 for the fiscal year ending June 30, 1972; and $40,000,000 for the fiscal year ending June 30, 1973.

"INFORMATIONAL AND EDUCATIONAL MATERIALS

"SEC. 1005. (a) The Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals to assist in developing and making available family planning and population growth information (including educational materials) to all persons desiring such information (or materials).

"(b) For the purpose of making grants and contracts under this section, there are authorized to be appropriated $750,000 for the fiscal year ending June 30, 1971; $1,000,000 for the fiscal year ending June 30, 1972; and $1,250,000 for the fiscal year ending June 30, 1973.

"REGULATIONS AND PAYMENTS

"SEC. 1006. (a) Grants and contracts made under this title shall be made in accordance with such regulations as the Secretary may promulagte.

"(b) Grants under this title shall be payable in such installments and subject to such conditions as the Secretary may determine to be appropriate to assure that such grants will be effectively utilized for the purposes for which made.

"(c) A grant may be made or contract entered into under section 1001 or 1002 for a family planning service project or program only upon assurances satisfactory to the Secretary that—

"(1) priority will be given in such project or program to the furnishing of such services to persons from low-income families; and

"(2) no charge will be made in such project or program for services provided to any person from a low-income family except to the extent that payment will be made by a third party (including a government agency) which is authorized or is under legal obligation to pay such charge.

For purposes of this subsection, the term 'low-income family' shall be defined by the Secretary in accordance with such criteria as he may prescribe.

"VOLUNTARY PARTICIPATION

"SEC. 1007. The acceptance by any individual of family planning services or family planning or population growth information (including educational materials) provided through financial assistance under this title (whether by grant or contract) shall be voluntary and shall not be a prerequisite to eligibility for no receipt of any other service or assistance from, or to participation in, any other program of the entity or individual that provided such service or information.

"PROHIBITION OF ABORTION

"SEC. 1008. None of the funds appropriated under this title shall be used in programs where abortion is a method of family planning."

And strike out the preamble.

Mr. YARBOROUGH. Mr. President, I move that the Senate disagree to the amendment of the House of Representatives on S. 2108 and ask for a conference with the House on the disagreeing votes of the 2 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 (Mr. McINTYRE) appointed Mr. YARBOROUGH, Mr. WILLIAMS of New Jersey, Mr. KENNEDY, Mr. NELSON, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, Mr. DOMINICK, Mr. JAVITS, Mr. PROUTY, and Mr. SAXBE conferees on the part of the Senate.

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

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

RESIGNATION OF HILARY SANDOVAL AS SMALL BUSINESS ADMINISTRATOR

Mr. SPARKMAN. Mr. President, I have just learned of the resignation of Hilary Sandoval as Small Business Administrator. I have known Mr. Sandoval as one genuinely interested in the welfare of American small business, and I hope for him continued success in the future.

I hope that in selecting Mr. Sandoval's successor, President Nixon will appoint a man who is an aggressive, determined advocate for the small and independent businessman of America. I must say that I am concerned about reports which, frankly, are nothing new in Government of a plan to merge the Small Business Administration into the Department of Commerce. I believe it is imperative that the SBA continue as an independent agency which can speak with a free and unrestricted voice in the agencies of Government on behalf of American small business. Naturally, I shall oppose vigorously, as I have in the past, any plan which would impair the independence of the SBA. In addition, I shall look forward to seeking the views of the new Administrator when he is appointed and comes before the Senate for confirmation regarding this most important matter.

Mr. President, I am pleased to make note of the fact that the present occupant of the chair, the distinguished Senator from New Hampshire (Mr. McINTYRE), is chairman of the Subcommittee on Small Business of the Committee on Banking and Currency. I believe that he shares my views.

Many times in the past moves have been made—in fact there was an effort made right at the beginning—to make the Small Business Administration a part of the Department of Commerce.

Congress decided—and decided wisely—at the beginning, that it should be an independent agency to which the small businessmen of America could look. With repeated efforts since that time to place it in the Department of Commerce, Congress has taken the same attitude. I hope that it will continue to do so and that any move to merge the Small Business Administration into the Department of Commerce will meet with failure.

Mr. President, let me say also, in this connection—and I know that the distinguished occupant of the chair, the Senator from New Hampshire (Mr. McINTYRE), is likewise interested in this, as all Senators are, because it applies to the Nation as a whole—that I am sure everyone has seen the statements in the press, to the effect that the Small Business Administration is completely out of funds and that every SBA office in the United States has been closed down, with no ability to function further, due to the fact that the Small Business Administration has reached the limit of the ceiling Congress placed upon it.

This may not seem like much to some people, but I know that there are hundreds, in fact thousands, of small businessmen throughout the Nation today who have applications pending before the SBA, or they want to file applications there, and they cannot do so.

(At this point Mr. GRAVEL took the chair as Presiding Officer.)

Mr. SPARKMAN. Mr. President, there have been instances in my own State in which serious situations have prevailed into which the Small Business Administration has not been able to move in order to help.

I have not talked with the distinguished Senator from New Hampshire (Mr. McINTYRE) about this, but I have intended to do so. I have suggested that the staff of our committee prepare a joint resolution that would increase the ceiling on funds for the SBA. In fact, I will say to the Senator from New Hampshire—I would have talked with him about this matter earlier, had I seen him—that I have suggested a poll be taken in the committee to see whether it cannot be reported unanimously, or reported unanimously by the Senate, too, in order to get action forthwith. I feel certain that the Senator from New Hampshire agrees with that. I hope that he does. He is chairman of the subcommittee and will vigorously push for this in this short session of Congress—I would say, within the next few days.

Mr. McINTYRE. Mr. President, if the distinguished Senator from Alabama will yield briefly, I join in the kind remarks he has expressed as chairman of the Committee on Banking and Currency concerning Mr. Sandoval. I read in the newspaper the other day where he had been hospitalized. We all feel that he has tried hard to do a good job for SBA.

I am aware of the sudden shortage of funds in SBA. We have been in touch with the House committee and I would have no objection to joining with our distinguished chairman of the Committee on Banking and Currency in what he is now suggesting.

Mr. President, the Small Business Administration has a fine record. It has always been, seemingly, under the gun of possible absorption into the Commerce Department. I think that the members of the Committee on Banking and Currency let Mr. Sandoval know very, very strongly at the beginning of the session, when he was approved, that if he felt the warm or the cold hand of the Commerce Secretary on his shoulder, so to speak, he get right up and talk to us, because we want to continue the SBA as an independent, separate, and strong agency.

Mr. SPARKMAN. I thank the Senator from New Hampshire for his comments. Let me say that Mr. Sandoval did cooperate. He promised us in the beginning that he would do everything he could.

It is my understanding that a year or so ago an effort was being made to transfer SBA to the Department of Commerce and Mr. Sandoval said that if such a proposal by the administration was put forward, he would resign from his position as Administrator, that he did not intend to preside over the liquidation of the Small Business Administration.

ORDER OF BUSINESS

Mr. SPARKMAN. 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. ELLENDER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

AGRICULTURAL ACT OF 1970—CONFERENCE REPORT

Mr. ELLENDER, Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate 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. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. GRAVEL). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of October 12, 1970, pages 36132–36141, CONGRESSIONAL RECORD.)

Mr. ELLENDER. Mr. President, I rise to oppose the conference report. The report was signed by a majority of the Senate conferees—the vote was four in favor and three against—and by all of the House conferees.

Mr. President, I have served in the Senate now for almost 34 years. This is the first time during my career that I attended a conference in which the conferees did not act freely. In my book, the House conferees in particular, as well as the Senate conferees, were more or less dominated by the Executive. So, I say that the conference was not a free conference between the conferees on the part of the House and the Senate.

We spent almost 3 weeks trying to ad-

just the differences between the House bill and the Senate bill. We came to an agreement during that period of time on all of the titles of the bill with the exception of cotton. At least 2 weeks were required for the conferees to be able to adjust the main differences on the titles dealing with corn and other feed grains and wheat. Now and then the big issues dealing with cotton were mentioned but not agreed to—and there was not even an attempt to accept them—until the day before the majority of the conferees signed the report.

Mr. President, I want to be perfectly frank with the Senate in saying that I do not find much difference between the provisions of the present law and the conference report as far as the titles dealing with wheat, corn, and other feed grains are concerned.

With respect to wheat the main difference arises from the fact that under the present law in apportioning acreage the secretary has guidelines; that is, the minimum quota for wheat was not to be less than 1 billion bushels and the acres necessary to produce that amount were, of course, fixed by the secretary, depending upon the annual production of the years before.

Under the present conference report the wheat growers are more or less permitted to plant as much wheat as they choose after setting aside from their cropland not in excess of 13.3 million acres for 1971, and for the next 2 years, that is, 1972 and 1973, the requirement is that up to 15 million acres be set aside. On the rest of the land available the farmers can plant as much wheat as they desire.

Now, under the present law the secretary is authorized to pay full parity for that part of the production for domestic consumption. That provision remains in the conference report, as it is now in the present law except that there is a minimum of 535 million bushels. The loan level is fixed at a minimum of $1.25 a bushel.

Now, with respect to the corn provisions, I believe the present conference report treats corn a little better than it is treated under present law. Under the present law a farmer is paid not to plant in order to reduce surpluses, and the loan level has no minimum fixed figure. Total price support is fixed at a minimum of 65% of parity on the permitted acres. But under the conference report, the minimum loan fixed is $1 per bushel with more or less a guarantee of $1.35 a bushel or 70 percent of parity, whichever is the higher. That 70 percent applies to the first 2 years only, but as to the third year it is reduced to 68 percent. That is better than the provision in the present law which sets the minimum at 65 percent. So all in all I want to be perfectly frank with the Senate that on wheat, corn and other feed grain provisions of the conference report, I think the farmer will fare better.

The only difference—and it may make a great deal of difference because by setting aside only the 13.3 million acres for the first year and 15 million acres the second year they will be permitted to plant all the rest of their land to wheat and receive the payments I have just suggested—is that it may mean that wheat will move from the areas of the country where it is planted in large quantities and it is one of the main crops, to States where they plant wheat now and then simply to have the ground occupied.

As I said, that is a difference and it may be that unless the farmers take care and do not devote too much land to wheat, we many end up with surpluses which will doubtless affect the prices very seriously, as we know has happened in the past.

Mr. President, when we enacted the 1965 act the purpose of that bill was to pay farmers not to plant in order to reduce enormous surpluses that were then in existence in all of the three commodities that we are dealing with at present. In 1965 we had almost 85 million tons of corn and other feed grains, which was far in excess of the normal carryover. At the end of 4 years under the present law that surplus was reduced to around 40 million tons, which is considered a reasonable carryover.

In respect to wheat, we had a surplus of 1.3 billion bushels, as I recall the figures. Today that surplus has been cut down to about 900 million bushels, which is considered only a little more than a normal carryover.

In respect to cotton, in 1966 the carryover was almost 17 million bales. Now it is only about 5.7 million bales.

The law that is now on the statute books was enacted by us with a view to reducing those surpluses to normalcy and it has more or less succeeded. In order to attain that goal, it was felt that it was better to pay the farmers not to plant than to have them plant and then increase the surpluses and pay storage costs on the carrying of such surpluses.

The bill as provided in the conference report reverses that law in that, as to the three crops that we are considering, the aim is not to pay when the land is not planted to the crop. This, of course, applies primarily, I may say, to cotton, because, in the case of wheat, corn, and other feed grains, those commodities are planted on a voluntary basis. No effort is made to curtail the planting as to any of the three crops. The farmer may go into the program if he desires, without any compulsion.

This is a significant change in the case of cotton, which has been under controls for many years now—over 30 years. The production of cotton about 30 years ago was on 42 million acres of land. The present law has established a minimum national acreage allotment for cotton of 16,300,000 acres.

Being a realist, when I presented the title pertaining to cotton to the committee, I felt it was necessary to cut back on the minimum acres to be planted to cotton for the reason that less cotton was being used than heretofore. Today, I am sorry to say, only about 40 percent of the fiber that is used in the textile mills is cotton, in contrast to about 60 percent of manmade fibers.

Realizing that, I suggested to the committee that we cut down the amount of acres to be planted to cotton from 16.3 million acres to 14.5 million acres with a pay base of 12.7 million acres. The Senate enacted that provision in the cotton bill.

In the conference, after quite a bit of deliberation, we had virtually agreed to reduce that figure to 11.5 million acres, which would have meant a decrease in cotton acreage from 16.3 million to 11.5 million, or almost 5 million acres less than the law now provides.

When the time came for the conferees to actually deal with the cotton provision, I made a proposal to the conference which I thought should have carried, because the day before the conference report was finally adopted or agreed to, the House conferees, I am sure, with the exception of one Member who was absent at the time, would have taken the 11½ million acre provision. I felt that that was a good compromise, and I took that position. When I submitted it the next day, in the presence of the ranking Republican House Member, he banged on the table and said that he would not do it, and he stroked his breast and said:

I represent the President and the administration, and we shall not consider that part of the agreement.

Whereupon, I stated to the conference that I thought that was a minimum; that we should have it understood that cotton would be planted on at least 11½ million acres for the years 1971, 1972, and 1973.

Well, I did my best to carry through that agreement, particularly in view of the fact that the expenses that would be incurred by that proposal would be no greater than what the House bill provisions would result in. But instead of submitting it and discussing it, as is usually the case, one of the conferees on the Senate side, desiring a bill, moved that the Senate conferees adopt the House provisions on cotton, particularly with reference to the amount of acres to be planted.

The House provision provides for 11½ million acres for the first year—that is, 1971—but for the years 1972 and 1973 it is left entirely to the discretion of the Secretary of Agriculture.

To add insult to injury, there was a provision in that bill which provided for an open-end planting as to cotton, without restriction, but with loans on this overplanting to be made by the Government to those who overplanted.

Mr. President, in my humble judgment—in fact, I am sure of it—by the end of 1971, after the first year of this bill being in effect as written, we could provide for 11.5 million acres of cotton to be planted, but this open-end planting would probably add two to three, maybe four million acres of land to be planted in cotton, and that, of course, would cause the surplus to increase overnight. Should that happen, as I am sure it would, then in 1972 the Secretary of Agriculture is empowered to lower the acreage to whatever figure he deems necessary in order that the surplus not be over a certain amount.

Under that provision of the law, where the Secretary of Agriculture is permitted to cut back on the acres, it is entirely possible that the acreage would be cut

back to 8.5 or 9 million acres of cotton instead of the 11.5 million acres that I fought for. That will mean disaster to the cotton growing section of the Nation, the South.

As I have said, Mr. President, I did all I could to have the conferees adopt a more sensible bill—one in which the Secretary would have certain guidelines to go by. I submitted that I was not against open-end planting if the planters of the cotton were not protected by the Government by the way of loans, but I was overridden in that. They would not accept that. Instead, the open-end planting was voted by the majority of the Senate conferees, so that if this provision is adopted, it simply means that the larger farmers will be able to plant all they wish, and no doubt be protected by Government loans. If that occurs, the Government will again be loaded down with surpluses, which we have tried to get rid of for the last several years. As a matter of fact, to get rid of the surpluses that we accumulated prior to 1965 required payments of almost $4 billion.

Reduced acreage, I repeat, would be disastrous to the cotton growing South. It would mean that many of the smaller farmers would not be able to make a go of it, and that many of them might be compelled to go on the relief rolls. I have no doubt that that is going to occur, and I have a table here, Mr. President, to indicate the large number of farmers who are in that position. I shall not take the time to read them, but I simply ask unanimous consent that they be printed in the RECORD at this point, just to indicate the large number of small farmers who will be affected under this cotton program.

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

NUMBER OF PARTICIPATING FARMS, AND NUMBER OF FARMS WITH BASES OR ALLOTMENTS OF 10 ACRES OR LESS, 1969

Commodity	Number of participating farms	Number of farms with bases or allotments of 10 acres or less	Percent 10 acres or less is of total
Feed grains (corn, grain sorghum and barley)	1,588,021	353,735	22.2
Wheat	953,318	304,829	31.9
Cotton	475,545	250,037	52.5

Mr. ELLENDER. As I said, they will become, in greater or lesser degree, unable to produce enough to sustain their families; and we will find that it would have been much cheaper for the Government to agree to the provision that I suggested. If that provision had been adopted, I believe that the cotton producers of our country could have made a go of it, and produced enough cotton to provide an ample amount for our domestic use and export needs. As it is now, the large farmer, who is able to borrow, plant a large acreage, and put a lot of fertilizer on is going to plant in excess of our requirements.

And, Mr. President, I am reminded of something else: There is no doubt in my mind but that a large number of cotton farmers in the West, and some in the Delta, are able to sell much of their cotton in advance of planting. They are large enough to produce a certain length of staple that the trade wants, and they can sell their cotton in advance at probably 24 to 28 cents a pound, and make a profit, particularly when the Government protects them on a good deal of the acreage which they will receive from the 11.5 acre national allocation.

The smaller farmer is unable to cope with that situation. It is going to mean that we may be faced with more surpluses, and that, in my mind, will be very costly to the Government.

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

Mr. ELLENDER. Mr. President, I did all I could to have a reasonable bill presented from the conference to the Senate; but as I say, I was taken by surprise. We usually confer with one another. The Senate conferees are supposed to support the Senate version. But in this case, there was no meeting called to make a determination as to what to do.

Mr. President, an hour before the motion to accept the House version was made, I did have a conference with the distinguished Senator from Mississippi (Mr. EASTLAND), and he agreed to the suggestion I made to have the minimum 11.5 million acres for 3 years. But within a few hours thereafter, Representative PAGE BELCHER, who was the ranking Republican on this conference, actually dominated the conference. I am sure that except for him, the House conferees would have accepted the proposal I made. But he got up and hit his chest and said:

I represent the President and I represent the Secretary of Agriculture, and we are not going to accept this.

Soon thereafter, the motion was made to adopt the House version as to cotton.

For that reason, Mr. President, I did not sign the report, the junior Senator from Georgia (Mr. TALMADGE) did not sign it, and the distinguished Senator from North Dakota (Mr. YOUNG) did not sign it. So that we have a conference report today that is signed by four of the Senate conferees, which is a majority, and all the House conferees.

I submit that, insofar as I am concerned, I shall not support nor vote for this report.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point certain correspondence from the Secretary of Agriculture and also Senate conferees' proposals on various programs along with the Secretary's reply thereto.

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

DEPARTMENT OF AGRICULTURE,
OFFICE OF ASSISTANT SECRETARY,
Washington, D.C., September 30, 1970.

Hon. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry, U.S. Senate.

DEAR MR. CHAIRMAN: This is in response to your request yesterday for an estimate of the costs of a cotton set-aside program under which the national base acreage allotment would be 12,250,000 acres for 1971; 11,750,000 for 1972; and 10,800,000 acres for 1973.

Our estimates of the costs are as follows:

	1971	1972	1973	Total
Payments	903	866	796	2,565
Total costs	1,169	1,132	993	3,294

Sincerely,

CLIFFORD M. HARDIN,
Secretary.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., September 30, 1970.

Hon. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry, U.S. Senate

DEAR MR. CHAIRMAN: This is in response to your request for the provisions which we propose to establish for the 1971 set-aside program for wheat.

We would establish for the 1971 crop of wheat—

(1) A national domestic acreage allotment of 19,700,000 acres.

(2) A set-aside requirement of 75 percent of the farm domestic allotment which we estimate would result in an effective set-aside of 13,300,000 acres.

(3) A loan rate of $1.25 per bushel.

As indicated to you yesterday, we would have no objection to these provisions being written into the legislation.

Sincerely,

CLIFFORD M. HARDIN,
Secretary.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., September 30, 1970.

Hon. ALLEN J. ELLENDER,
Chairman, Senate-House Conference on H.R. 18546, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request for costs estimates, analyses, and suggestions for amendments with respect to H.R. 18546, presently being considered by your Conference Committee, we offer the following for your consideration.

PROPOSED AMENDMENTS

I. Title IX—Rural development

It is recommended that changes be made in title IX of the Senate bill to eliminate objectionable reporting requirements contained in title IX whch, we believe, are premature in view of current efforts under way by this administration to develop national goals and objectives for economic development and population distribution. Further, it is suggested that section 902 relating to the location of Federal facilities be revised to make it clear that, while consideration should be given to less densely populated areas for the location of such facilities, due consideration should also be given to such factors as management efficiency when arriving at decisions about whether such facilities should be located in less densely populated areas as compared with metropolitan areas.

Following is a proposed language change for section 902 on pages 128 and 129 of the Senate bill:

Location of Federal Facilities

Section 902. In that it is the intent of Congress to minimize further impaction on already overcrowded metropolitan areas, it is requested that the President and the heads of all executive departments and agencies of Government give due consideration when locating new offices and other facilities to their impacts on high density population areas. Consideration also should be given to areas or communities of lower population density which have the capacity for growth and development in the absence of other factors which may require the loca-

tion of such facilities in high population density areas.

Planning Assistance

Section 903. (Strike lines 15 through 24 on page 129 and 1 through 4 on page 130 and insert in lieu thereof the following (all new language)):

The Congress is equally concerned that planning assistance provided through other Federal programs be administered so as to complement the planning assistance provided by the Departments of Agriculture and Housing and Urban Development. These programs have an unprecedented opportunity to aid State and local governments in the preparation of area growth goals and strategies which would have beneficial impacts for less densely populated areas as well as for population centers which have a demonstrated capacity for growth and development. It is the intent of Congress that these programs contribute substantially to achieving a satisfactory balance of opportunities and population within the United States.

(Strike everything after line 4 on page 130 through line 5 on page 132 and insert in lieu thereof the following:)

Federal Assistance Programs

Section 904. The development of area growth plans and strategies has limited utility in the absence of a commitment of resources to aid in fulfilling those strategies. The Federal Government has an unparalleled opportunity to complement the efforts of State and local governments through provision of technical assistance and various grant-in-aid and loan programs in directing these resources in such a way as to reinforce and facilitate area development efforts. A firm commitment to this end by all levels of government is required if this Nation is effectively to ensure that opportunities for an acceptable quality of life is available to all of its citizens whether they reside in major metropolitan centers or in less densely populated areas.

The Congress urges that the President and all department and agency heads give the highest priority to the development of effective means for achieving these objectives. Their attainment will assure a substantially improved standard of service under a broad range of government programs for many families now living in less densely populated areas who lack services of a quality equal to those presently available to many of this Nation's citizens.

COST ESTIMATES

II.

1. Maximum Wheat Set-Aside—15 million acres

There would be no budgetary impact from this amendment for the 1971 crop based on present planning by the Department which calls for a set-aside of 75 percent or 14.8 million acres. After allowing for non-participants, the expected realized set-aside would be 13.3 million acres.

Whether or not the 15 million acre maximum would have budgetary impacts for the 1972 and 1973 crops is contingent on production and use in those years. Either unusually large production or decreases in use could result in additional CCC acquisitions. The greatest chance of this occurring would be on the use side through a sharp reduction in exports or domestic livestock feed use. Feeding of wheat to livestock will be interrelated with feed grain production, and particularly the evolution of the Southern Corn Leaf Blight. Over a three-year period, it is quite possible that the corn blight problem will be arrested. If so, the loan rates for wheat and feed grains could again effectively determine market prices. Given this situation and if minimum loan rates of $1.25 for wheat and $1.00 for feed grains (corn) are included in the bill, quantities of wheat feed could be cut sharply. This is because the $.25 price differential would price large quantities of wheat out of feeding. The budget impact could easily reach $75–$100 million annually for the 1972 and 1973 crops.

We would prefer to permit a larger set-aside, on the order of 17 to 18 million acres. With a maximum of only 15 million acres, we firmly believe that the corn-wheat price differential should be reduced to no more than $.20, preferably $.15. This would help insure that wheat would enter feeding channels rather than CCC stocks in the event that heavy grain supplies emerged for the 1972–1973 crop years.

2. Cotton Base Acreage

Compared with the 11.5 million acre base in the House bill, the bases suggested by Senator Ellender yesterday would lead to greater cotton payments in 1971 and 1972, and lower payments in 1973 with a support of 35c per pound.

Change in base acreage	Yield	Payment rate (cents)	Payments
1971: 12.25—11.5=0.75	520	15.5	$60,450,000
1972: 11.75—11.5=0.25	520	15.5	20,150,000
1973: 10.80—11.5=0.70	520	15.5	—56,420,000
Net additional cost			24,180,000

We understand that the acreage set-aside corresponding to Senator Ellender's bases would be the difference between 14.5 million acres and the base. This would be 2.25 (1971), 2.75 (1972), and 3.7 (1973). In every year, the set-aside would be less than the 3.8 million acre maximum set-aside (33.3 percent times 11.5 million acres) in the House bill. Over the three years, 2.7 million additional acres could be set aside under the House bill. At $35 per acre, $94.5 million in budget outlays would be required to achieve a set-aside comparable to the House bill. Combining the higher first year payments and the lower set-aside would result in additional first year outlays of as much as $115 million.

The other potential problem with fixed acreage bases, such as that suggested by Senator Ellender, is that they would not permit flexibility to reduce cotton production if CCC stocks become excessive. Stock accumulation is not a problem at present, but this situation might recur by 1973. Thus, we would be favorable to a provision similar to the House bill which allows the base to be adjustable and at the same time maintains the total cotton payments at a fixed amount each year.

3. Long Term Land Retirement

Title VIII, section 801, authorizes a long term land retirement program which would permit the Secretary of Agriculture to sign long term land retirement contracts with producers on up to six million acres annually. As I indicated yesterday before your committee, unless the authorizing legislation specifies that this program be administered in such a way as to provide concrete assurances that the cost of this program would be offset by at least an equivalent amount of savings under the annual commodity programs, the administration would be opposed to enactment of this program.

4. Cotton Market Development and Research

Title VI, section 610, authorizes the Commodity Credit Corporation to spend up to $10 million annually for the conduct of cotton market development research or sales promotion programs. This would result in added budget outlays which would be unacceptable to this administration. However, if this section were amended to provide for a *deduction* from payments which would otherwise be made to cotton producers in an amount sufficient to finance this program, we would have no objection to its authorization from a budget standpoint.

5. Cultural Exchange Program under P.L. 480

Title VII, section 703, would authorize making foreign currencies available for a cultural exchange program without appropriation. We understand that FY 1971 outlays would amount to $5.8 million under the 2 percent limit and $14.5 million under the 5 percent limit set forth in subsection (a) of this section. This administration is clearly on record in its opposition to backdoor financing. Consequently, we would oppose the provision in subsection (b) which authorizes use of foreign currencies for a cultural exchange program without appropriation.

6. Anniversary Loan

We earlier estimated the direct budget impact of adopting the so-called anniversary loan could range up to $5 to $10 million annually. These costs woud be highly variable, depending on CCC acquisitions of cotton under loan each year. The additional storage costs might average under $5 million annually. This could be larger if the provision increased market prices and decreased use. While we recognize that an anniversary loan could conceivably have a favorable budget impact under the House bill if it evens out seasonal price declines during the first five months of the marketing year, in recent years cotton prices for the first five months were higher than average marketing year prices. Consequently, we believe that a favorable impact is quite unlikely.

In view of the foregoing, the administration opposes enactment of this provision.

I greatly appreciated the opportunity of appearing before the Conference Committee, and would welcome the opportunity to supply any additional information you or the Committee might desire.

Sincerely,

CASPAR W. WEINBERGER,
Deputy Director.

SENATE CONFEREES PROPOSAL ON WHEAT

1. (a) 19.7 million acre domestic allotment for 1971.

(b) A 535 million bushel domestic wheat floor for 3 years.

2. Set aside maximum at 15 million acres (assuming full participation) for 1972–73 and at 13.3 million acres (not assuming full participation) for 1971.

3. $1.25 loan floor for three years—1971, 1972 and 1973.

4. Discretionary authority for feed grain substitution in the event acreage restrictions are imposed in 1972 or 1973.

5. No more than 55 percent set aside required on summer fallow.

SENATE CONFEREES PROPOSAL ON COTTON

1. 11.5 million acre minimum national base acreage allotment each year.

2. House provisions on sale and lease, but with retention of present limitation of 100 acres over 1965 allotment.

3. Payments based on the difference between the loan level and the greater of 35 cents or 65 percent of parity.

4. Loan level as set out in Conference Committee Print No. 2 (90 percent of 2 year average world price).

5. Maximum set-aside each year of 18 percent of farm base acreage allotment.

6. Open-end planting without loans on the excess.

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 attachments are in response to proposals made by the Senate Conferees dealing with the Cotton and Wheat sections of the agriculture legislation being considered by the Senate and House Conferees.

An additional attachment dealing with other provisions is also enclosed.

It remains the conviction of the Administration that any significant increase over the cost of the bill as passed by the House would be unacceptable both to the House and to the Administration.

Sincerely,

CLIFFORD M. HARDIN,
Secretary.

COTTON

1. 11.5 million acre minimum national acreage.

Using the actual 1969 domestic consumption and exports of 10.7 million bales as a basis to start from, 11.5 million acres as a minimum national base acreage allotment increases the budget cost $310 million for the two years 1972–73 compared to the House bill; stocks would increase from 6 to 9.6 million bales by the end of the 1973 crop year. If domestic consumption and exports were to increase to 12 million bales the added budget cost would be $133 million resulting from a stock buildup from 6 million to 7.3 million bales by end of 1973 crop year.

2. Sale and lease.

No budgetary impact, but the 100 acre limitation provision is an unnecessary restriction on cotton producers.

3. Loan level plus payments equal to 35¢ or 65% of parity.

Budget impact of between $38 and $72 million per year.

4. Loan level related to past 2 years.

No budgetary impact. Prefer 90 percent of estimated world price because that is related to the period in which sales are to be made.

5. Maximum set aside 18%.

Has budgetary impact of $60 million per year.

6. Open end planting without loans on the excess.

We would like cotton to be treated the same as wheat and feed grains where loans are offered to all production of participants without limitation.

WHEAT

1. (a) 19.7 million acre domestic allotment for 1971.

(1) No budget impact.

(2) A 535 million bushel domestic wheat floor for 3 years. No budget impact.

2. Set aside maximum at 15 million acres (assuming full participation) for 1972–73 and at 13.3 million acres (not assuming full participation) for 1971.

The budgetary impact between assumed full participation and not assumed full participation could be about $37 million per year. If a maximum of 15 million acres set aside is included it must be an effective maximum.

3. $1.25 loan floor for three years—1971, 1972 and 1973.

The inclusion of $1.25 loan floor may add $20 to $130 million per year to the cost of the wheat program. The exact budgetary impact will be determined by the extent to which wheat and feed grain loan rate differentials influence market prices and in turn the volume of wheat moving into feed channels; also whether the additional stocks of wheat are taken over by CCC or exported through the payment of export subsidies.

4. Discretionary authority for feed grain substitution in the event acreage restrictions are imposed in 1972 or 1973.

No budgetary impact.

5. No more than 55 percent set aside required on summer fallow.

No budgetary impact if maximum set aside is effective rather than gross as explained in item 2.

OTHER PROVISIONS

1. Seventy-five percent of parity would increase feed grain supports above the $1.35 guarantee every year of the program. With 70 percent of parity and changes in factors affecting the parity formula, the guarantee would likely reach $1.40 in 1973. The additional budget outlays could be up to $170 million a year when market prices were under $1.08 per bushel. The upper limit that would insure no budgetary impact is 68 percent of parity. If payments were forced up, program provisions would have to be altered to require a higher set-aside percentage.

2. Changes should be made in Title IX of the Senate bill to eliminate objectionable reporting requirements contained in Title IX. These requirements are premature in view of current efforts underway by this administration to develop national goals and objectives for economic development and population distribution. Further, Section 902 relating to the location of Federal facilities should be revised as proposed in the OMB letter to Senator Ellender dated Sept. 30, 1970.

3. The Bee Indemnity program would have estimated budget outlays of $25 million in FY 1972, and $4 million in subsequent years. Initiation of such a program would open the possibility of extending indemnity programs to several additional situations where the Federal Government is not directly responsible.

4. Extending the dairy indemnity program to manufacturers of dairy products would set a precedent for double coverage of losses. The additional budget outlays are impossible to estimate with confidence but they could well be significant.

5. Title VII, Section 703, would authorize making foreign currencies available for a cultural exchange program without appropriation. FY 1971 outlays are impossible to estimate with confidence but they could well be significant.

6. Many of the provisions in the Senate bill reduce the flexibility needed to avoid surpluses while maintaining farm income at acceptable budget cost.

7. Research and market development—Cotton.

Any figure being considered that does not come out of producers payments has a budgetary impact.

8. Small farms—Cotton.

Budgetary impact of $30 million per year.

9. Anniversary loans—Cotton.

Budgetary impact through additional storage costs of $3 million per year.

Mr. ELLENDER. Mr. President, I submit that the conference report on the Agricultural Act of 1970 will literally gut cotton producers' income potential for the effective years of the bill. Producers will be forced to accept $10.25 per bale less due to the price support reduction from 37.05 cents per pound to 35 cents per pound for those participating in the program. They will also take a $3.65-per-bale reduction from the loss due to net weight trading without the producer getting compensated in price for this reduction. Further, the base acreage allotment of 11.5 million acres is less than producers planted the last 2 years—11.89 and 11.97 million acres planted in 1969 and 1970. The farm allotment for 1970 was set at 17.1 million acres and the allotment base in the conference report is reduced to 11.5 million acres which represents a reduction of cotton allotment of 5.6 million acres. This will result in a loss to producers of a very salable item—cotton allotments—which was incorporated in prices paid for their land. Using the 1970 estimated U.S. average yield of 470 pounds per acre and figuring cotton allotments worth 20 cents per pound—which is common in the market—we arrive at a value of $94 per acre. Now the reduction proposed is 5.6 million acres, which means producers are absorbing a $526.4 million loss on cotton allotments they will no longer have. Yet, they will still be left with the high-valued land that cotton allotments were on, still to be paid for in some instances, or as a farm cost already incurred in others.

The bill authorizes State committees to reserve up to 2 percent of its State acreage allotment 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 and to prevent hardships. In the past, extra acreage was allocated in the national allotment to handle such cases, but in this bill the States will have to deduct these reserves directly from their State base acreage allotments.

The bill does away with marketing quotas, which is hard to understand, since in the past producers have voted, in the referendums held, to decide whether to have marketing quotas or not by a 92-percent or greater margin to keep marketing quotas. Yet, this bill legislates marketing quotas out of existence even though producers have always maintained they wanted marketing quotas when given a choice. In essence, Congress is forcing on producers what they have overwhelmingly rejected in the past.

The Secretary of Agriculture is authorized to set the national base acreage allotment at 11.5 million acres for 1971 and for 1972 and 1973 at such levels as the Secretary determines necessary to maintain adequate supplies. Tied into this is the fact that producers can plant outside their base allotment—open-end planting—when they comply with the set-aside requirements for participation in the program. This leaves it wide open for surplus accumulation of cotton under the bill. Therefore, in 1972 and 1973 the Secretary of Agriculture may use his authority to lower the base acreage allotments below the 11.5 million acres of 1971. Producers who complied and stayed within the program and did not plant open end will receive base acreage allotment cuts in 1972 and 1973 along with everyone that planted some open-end acreage. In effect, the Secretary of Agriculture can carry out his plan to eliminate all cotton allotments without paying producers a penny for the allotments. Here again, the producers are forced to shoulder millions more dollars of losses by having cotton allotments they purchased at high values become worthless.

Already, rumors are widespread throughout the cotton areas that acreage planted outside base allotments will be counted when figuring acreage history for the farm program in 1974. Corporate ownership has already made it clear to tenants that they want them to plant outside their allotments if they wish to continue planting cotton in order that corporations will be in a position to gain acreage history under a new farm bill in 1974.

This bill attempts to do by law what

economics could never have done. It strikes at the very backbone of American agriculture, the family-type farm, and lets the corporate-type farm that enjoys many lucrative tax writeoffs become the dominating force of American agriculture. Corporate-type farms, who have other income sources, are allowed to speculate and possibly take losses on the farm whereas the family-type farm with much less capital at his disposal has to make it on his farm or he is through.

A catastrophe in agriculture, such as might result from a Government withdrawal of price and production stabilization undertakings, could cause great unemployment in the industries that supply farmers annually with billions of dollars worth of machinery, fuel, fertilizers, chemicals, and other materials essential to production.

We might very well see the destruction of the family farm and the succession to an agriculture owned and operated by corporations. What could the consumer expect to pay for food and fiber if corporations take over agriculture—with these corporations administering the prices of food, demanding and getting the price they set at the farm gate.

This bill could be the major impact to span the beginning of a great depression. Remember, agriculture generally leads the way into a depression and this bill could so cripple agriculture as to start us rolling down this path.

Today, farms face continually increasing production costs due to increased costs of goods they buy. It becomes imperative that a producer utilize all the acreage he can to return him some form of revenue. Therefore, the set-aside proposal of not to exceed 28 percent as a requirement to participate in the program is again forcing the producer to receive no income off acreage equal to 28 percent of his base cotton allotment. This, and this alone, is enough to trigger a depression in agriculture and could be set in motion solely by the whims of the Secretary of Agriculture.

Also, it is left up to the Secretary of Agriculture to decide if other crops could be planted on the set-aside acreage. This proposal will work an additional penalty on producers and further burden southern cotton farmers which will have the effect of substantially and unnecessarily increasing the cost of production for cotton at a time when the emphasis should be placed on reducing production costs. Moreover, I am told that the farmers in the South and southeast will not be allowed to count the skipped area in their historic 2–1 pattern as "set-aside" acreage, while farmers in more productive areas of the country who historically have used 2–2 and 4–4, et cetera patterns will be permitted to count their skipped areas as "set-aside." This inequity could be corrected, but it is my understanding that Secretary Hardin has announced his decision to deny southern producers the relief he proposes to grant other skip-row farmers whose larger fields, more fertile soils, flatter lands and larger equipment permits them to use other patterns. It would seem this decision is designed to penalize those already less favored by nature and geography.

The Government, by use of around $3 billion in various subsidy payments, has held farm prices of food and fiber below prices the farmer received over 20 years ago. The farmer today generally has been able to exist through use of Government payments to stabilize the farm economy. However, this bill will limit the subsidy payments to producers and put machinery in motion to force the market price down to even lower levels with no way for producers to bail out. We estimate a market price for cotton falling toward the 19-cent level and this gives the mills an even greater opportunity to get cheap cotton. They get a cheaper raw material to combat higher operational costs, but the producers get lower farm prices and reduced subsidy payments to fight their higher production costs.

Gentlemen, we had better take a long hard look at where we are forcing the agriculture sector of this Nation to go and where the Nation as a whole can very easily follow.

The bill contains a provision for research and promotion money in the amount of up to $10 million to be obtained from savings effected due to the statutory limitation imposed. If this will be used as a matching fund to the $1 per bale checkoff producers of cotton already have going, then it would be beneficial because actually it is money producers should have received. However, the second $10 million which the Secretary of Agriculture can authorize to be paid through deduction from producers' price-support payments if they are above 15 cents per pound is in effect an extra tax imposed upon producers which directly affects his income he would receive and which producers have had no voice in saying they wanted and they do not have any chance to get their money back. The provision for the second $10 million was not in the House or Senate version of the farm bill; yet, it was added in conference.

The large amount of flexibility given the Secretary of Agriculture in this bill without any clearly defined guidelines makes it virtually impossible to inform producers what kind of program they will be under and how it will affect them. I cannot see any way we can pass such legislation until a definite understanding of key points in the bill are interpreted for us.

Efficiency of the U.S. farmer means that productivity of the American farmworker in the 1960's increased by about 6 percent a year, while in other industries the increase 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 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 consumer 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.

I ask you, how can we pass legislation that not one farmer indicated through testimony before the Senate Agriculture Committee Hearings that he favored as a solution to the problems of agriculture. How can we put such a program on these producers who have given our American consumers the best quality goods at lowest prices over the years.

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

Mr. ELLENDER. I yield.

Mr. McGOVERN. Mr. President, I want to express the appreciation I feel, as a member of Senator ELLENDER'S Committee on Agriculture and Forestry and also as a representative of an agricultural State, for the candor and the wisdom with which the Senator from Louisiana has addressed the Senate today. I wish that more Senators had been in the Chamber to hear what Senator ELLENDER has had to say, because never has a more honest, candid, and straightforward statement been made on a pending agricultural matter than the one he has just made.

Those of us who are familiar with what has happened on this bill in the committee, and after it went to conference, know that he tells the truth when he says that the amendments that were added in the Senate to the House-passed bill were blocked almost entirely by the intransigence of a few members of the conference who claimed to be speaking for the administration.

I think Senator ELLENDER has done everything that was humanly possible to save the income support provisions in this bill which were added by the Senate before the measure went to conference.

I have already made clear my opposition to this conference report. If the conference report were to be adopted and to become law, I think it would result in a drop in income over the next 3 years of approximately $1.25 billion to the farm producers of this country. Not only would that be a devastating blow to the agricultural sectors of the Nation, but also, it would further aggravate the flow of people out of the rural States into already overcrowded cities.

It is my understanding that if the conference report is rejected, the distinguished Senator from Louisiana, the chairman of the Committee on Agriculture and Forestry, will then move that Senate conferees be named to further insist on the Senate bill as it went to conference some weeks ago.

Is my understanding correct?

Mr. ELLENDER. That is what I expect to do, yes.

Mr. McGOVERN. I commend the Senator for that move. It is a step that is in the national interest, it is in the interest of the farmers of this country, it is in the interest of all of us who are concerned about the economy of our Nation, and it will keep faith with the food producers of this country.

So let me again commend the Senator on the leadership he has provided. I am very proud to follow him in this very important matter.

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

Mr. ELLENDER. I yield.

Mr. SYMINGTON. Mr. President, with respect I congratulate the distinguished senior Senator from Louisiana for the noble effort he has made with respect to this bill not to follow those who are primarily interested in the retailers, the processors, and the big farmers; and also for his superb effort to give additional consideration to all those who make their livelihood primarily from cotton, feed grains, and livestock. I would associate myself also with the remarks just made by the distinguished Senator from South Dakota.

Mr. President, one of the rare privileges of serving for 18 years in this Senate has been my relationship over many years with one of the great men in my experience, great from the standpoint of both character and ability. I refer to the distinguished chairman of the Committee on Agriculture and Forestry, the senior Senator from Louisiana. This dialog today is but further evidence of his sympathy and realism when it comes to those people who do not have much in the way of great lobbies around this town.

During the past year, Members of this body came into my State from other States—fortunately, in the main, first-termers in the Senate—and attacked me for backing the position of the senior Senator from Louisiana. They accused me of being against farmers because of my trying to hold up this farm bill in the interest of Missouri farmers. Just why some people would come into Missouri and defend their selling out the feed grain and cattle and hogs people in their own State by attacking our desire to have a better farm bill is a mystery to me, and one that I do not intend to forget.

Mr. President, the proposed agricultural act of 1970 (H.R. 18546), as brought back to the Senate by the conferees, is an incredible farm bill. It is not only damaging to farmers, but also to the United States.

This conclusion is my own conviction. It is also that of scores of farmers with whom I visited in recent weeks; and, perhaps most important, of all the farm leaders in my own State of Missouri, as well as those around the Nation.

Those farm leaders, and those farmers with whom I talked, emphasized that this bill now before us is both unfair and inadequate; and is a bill which is certain to lower farm income.

When people of agriculture view the likelihood of this lower income, and weigh that loss against their ever increasing farm costs—costs which have gone up $10.5 billion in the past 10 years alone—they become totally disillusioned with the inadequacy of this bill; and with the thought that it might be passed.

Farmers especially resent these incredible efforts by Secretary of Agriculture Hardin to junk the parity concept in connection with price support payments and loans.

When H.R. 18546 passed the Senate, it contained a price support provision for corn of $1.35 per bushel, or 75 percent of parity, whichever is greater—other feed grains would be in relation. But primarily due to the pressure of the Secretary of Agriculture on the conferees, they voted to lower this figure of 75 percent of parity to 70 percent; and that decision carried with it authority for the Secretary to further drop the 70 percent of parity figure to 68 percent in 1973, if in his opinion 70 percent was too high.

Let it be known by all farm communities, and for the record, that three eminent senior members of the committee, including the chairman, refused to sign this conference report.

Farmers fully understand that, while this action would appear to retain the parity concept, actually it would make a mockery out of that concept; in fact, by 1973 this bill could well cost farmers hundreds of millions of dollars.

Based on the cotton section of said bill, it would appear that most cotton producers are being treated like stepchildren, because when the reduction in the cotton loan is coupled with the other price depressing features of the cotton section, my cotton producer friends advise that income to cotton producers in many areas of the Cotton Belt could drop as much as 20 percent.

And now we come to the real enigma—the much-discussed and little-understood feature called set-aside. No one, including the authors, can predict with any reasonable accuracy just what the results would be if this set-aside plan goes into effect.

At best it can be said that this set-aside concept is an unknown quantity; and many farmers I know regard it as part of a scheme to set aside an effective program in order to substitute an ineffective program—one which could well scramble production patterns and thereby play havoc with future farm prices.

Let every Member of the Senate, especially those who come from agricultural States, note well that, whereas net farm income in 1959 was only $11.5 billion, under the programs of the sixties, by 1969 it had increased to $16.2 billion. That was, and is progress in the right direction.

Naturally, therefore, the farmers of America are alarmed at the thought of this constructive price trend being reversed because of this bill now being proposed by this administration.

No one can deny that it is a bill which carries with it the prospect of lower farm prices and lower net farm income; and any such development could only force more farmers off the land and into the cities. Again, as well developed by the Senator from South Dakota, this in turn would aggravate further the problems of unemployment which are already increasingly characteristic of our urban centers.

The Senate version of this bill did have some reasonable built-in protection for

the agricultural producer. At the insistence of Secretary of Agriculture Hardin, however, nearly all of these farm income protection features were eliminated in the report of the conferees.

About the only reason anyone really interested in rural problems, therefore, can think of for supporting this bill is that it did retain a few improvements over the bill originally sent over here by the House; although there is no way farm income can be maintained unless its specifications are administered with sympathy for our farmers—and equally important, adequately funded.

There are certain administrative rulings which could be made that would insure more equitable treatment among individual producers, and at the same time provide more income protection to all producers.

With that in mind, on cotton, we believe that administrative action should:

First. Limit the number of acres any producer could receive under release and reapportionment. A limit that would not permit a producer to have more than 50 percent of his total acres in cotton after release and reapportionment would not only insure more equitable treatment between producers, but also reduce total program costs.

Second. Require that set-aside be on a solid acreage basis. To permit counting of skip-row as set-aside gives a tremendous, and unfair, advantage to producers in acres practicing skip-row farming patterns. To count skips as set-aside completely nullifies production control as envisioned under set-aside; and also almost doubles the cost of the program in skip-row areas.

If there would be administrative agreement to allow two-row skip plantings, wherein the two skip-rows would serve as a credit toward set-aside requirements, the Secretary of Agriculture should have both the responsibility, and the authority to give relief for any determinable inequities arising from administrative terms and conditions. We are especially concerned about cotton producing areas where soil and climatic differences are incompatible with skip-row planting patterns.

Third. Hold the loan level at current 20.25 cents per pound. The only reason for lowering the loan would be to give domestic textile mills another 2-cents-per-pound price advantage at the expense of cotton farm income.

Fourth. Require full adjustments in yields for abnormal conditions. Because of bad weather, many areas, particularly in my State of Missouri, have not made a full crop in the past 5 years. This year, only an estimated 50 percent of the cotton acreage in Missouri has been harvested. At best this means that the crop this year will not be more than 80 percent of normal yield per acre, and could be much lower.

Basing payments on a moving 3-year average of abnormally low yields, only partially adjusted, is one way that program costs could be reduced. But cotton farm income and cotton production cannot be maintained in many areas unless full adjustments are made.

Fifth. Permit the production of soybeans and other nonsurplus crops on set-aside acreage. The loss of production and income from set-aside acreage would mean an unbearable slash in farm income in areas that do not practice skip-row production.

Regardless of the way this comes out, the cotton producers of Missouri and those other States which share the same problems we have would deeply appreciate the assurance of the Conference and the Senate Agriculture Committee that every possible effort will be made for favorable action by the Secretary of Agriculture on these administrative rulings which would be so helpful to our cotton producers.

On feed grains, as Members of the Senate well know, it was both our thought, and our hope that price support on corn should be at least $1.35 a bushel or 75 percent of parity, whichever was greater, during the period to be covered by this bill. The distinguished Chairman of the Senate Agriculture Committee accepted my own amendment to that end, and took it to conference.

Unfortunately, however, the majority of the conferees did not agree with the Senate position; therefore the bill, as reported back to the Senate, provides for $1.35 a bushel or 70 percent of parity, with authority for the Secretary of Agriculture to lower that to 68 percent of parity in the 1973 crop year.

According to the monthly report, "USDA—Agricultural Prices," the August 15 parity price of corn per bushel over recent years has been:

In 1965, $1.57.
In 1966, $1.59.
In 1967, $1.62.
In 1968, $1.64.
In 1969, $1.72.
In 1970, $1.77—75 percent equals $1.3275.

Since 1968, parity has gone from 1.64 to 1.77—up 13 cents; and if parity on corn goes up as much in the next three years as it has in the past three, it would rise to $1.90.

In 1973, therefore, 75 percent of parity at $1.90 would be $1.42, or 7 cents a bushel more than the $1.35 in the bill.

Consider that, if parity on corn only went up 10 cents to $1.87, the 75 percent minimum support would still be $1.40, 5 cents over the $1.35 in the bill.

Surely farmers from predominantly wheat States do not want to sell their feed grain neighbors "down the drain." But if, for certain reasons, we have before us a bill that gives 100 percent parity for wheat, surely, in all fairness, we should be able to justify 75 percent parity for corn.

Regardless of what happens here in the Senate floor, therefore, I would hope that the Senate Agriculture Committee will continue to urge this administration to work, now and in the future, for at least 75 percent of parity or $1.35, whichever is greater, as the minimum price for corn and other feed grains.

This bill may be somewhat better than what we had in 1959. If it is passed in its present form, however, I predict this afternoon a tragic drop, in real dollars, in the prices our farmers will receive for cotton and feed grains; and we know that a fall in the latter is certain to result, again in real dollars, in a serious decline in the price for hogs and cattle.

Mr. TALMADGE. Mr. President, will the distinguished chairman of the committee yield at this point?

Mr. ELLENDER. I yield.

Mr. TALMADGE. Mr. President, I congratulate my chairman, the senior Senator from Louisiana, for the statement he made on the conference report.

As the Senator stated, we met in conference twice daily for almost 3 weeks. The conferees on the part of the House were completely instransigent. The House passed what our committee thought was a very bad farm bill. The Senate Committee on Agriculture and Forestry worked diligently to improve the farm bill in order to insure the farmers of this country adequate income for their products.

We worked out what we thought was a satisfactory bill. We brought it to the Senate floor. The Senate approved it by an overwhelming majority. But when we went to conference, we did not have a free conference. We won on some of the issues, but on some of the major issues—like cotton and feed grains—every time we would have a proposition, the House conferees would pull out a letter from the Secretary of Agriculture or the Bureau of the Budget.

The administration used the excuse that because of budget considerations, it could not consent to any bill which would cost substantially more than the House bill. However, many of the administration's objections were petty and irrelevant and could not possibly be based on budgetary considerations. For example, the administration even objected to the rural development title of the bill, a title which commits the Congress to a sound rural-urban balance and calls for various reports which will enable the Congress to legislate intelligently. This title, which I introduced in the Agriculture Committee, does not call for the expenditure of any money, but it does commit the Congress to achieve sound rural-urban balance and, hopefully, it will provide information which will enable Congress to carry out this policy. However, the administration contended that this reporting requirement would be too burdensome.

Fortunately, the conferees discerned the weakness of the administration's objection and my rural development amendment was approved.

It is unfortunate that title IX, the rural development title, is one of the few bright spots in the conference report. There are others—such as the retention of the Senate amendment providing for an additional $10 million for cotton research and promotion—but in total, this farm bill amounts to a continued loss of farm income.

I am fearful that this legislation could lead to such a reduction in cotton income that many farmers in the Southeast will no longer find it profitable to grow cotton.

When this administration put forth its set-aside concept a year ago, my first question was, "How will this bill affect

individual farm income? How will your bill affect the 10-acre farmer, the hundred-acre farmer, the thousand-acre farmer?"

From the reluctance of the administration to respond to my question, one would have thought that I was asking for highly classified defense data. Finally, after repeated calls and letters from my office, the administration did respond with some income examples which were *essentially worthless.*

My inability to receive informative examples of the impact of the administration bill on farm income continued to disturb me and during the Senate Agriculture Committee's discussion of the House-passed bill, I had my staff, in conjunction with independent experts, draw up examples of the impact of the House bill on farm income.

In figuring these examples, my staff used actual farms in several Southeastern States. My examples showed that the impact of the reduced price for cotton and the set-aside requirement for cotton would prove disastrous to many Southeastern farmers. In many cases individual farm income would be cut as much as 25 percent. In other cases farm income would be cut as much as 50 percent.

Cotton farmers would suffer this reduction in income for two reasons. First, the House bill guarantees farmers only 35 cents per pound for their cotton in 1971. During the last 2 years of the program there is no guarantee of 35 cents, but the administration is required to spend the same amount on cotton payments that it spends for the 1971 crop. In 1970, cotton farmers are realizing a return of 38.55 cents per pound on middling 1-inch cotton. This is due to the fact that the cotton farmers receive a 20.25-cent loan level and payments of 16.80 cents per pound under the 1965 act. These two figures total 37.05 cents per pound. In addition, the market price exceeds the loan level by 1½ cents per pound, which means that the cotton farmer receives a total of 38.55 cents per pound for middling 1-inch cotton.

Under the administration bill the cotton farmer will be guaranteed only 35 cents—10 percent less than he is currently receiving.

The most disastrous feature of the cotton section of the farm bill, however, is the set-aside requirement. As the bill came from the House of Representatives, it contained a set-aside requirement of 33⅓ percent. In layman's language, cotton farmers would be required to set aside or lay out without pay 1 acre of land for every 3 acres of cotton they planted. In today's highly competitive agricultural economy, farmers must attempt to derive maximum benefit from each cultivable acre of land. It does not take a mathematical genius to understand that any program requiring a farmer to set aside land without pay is going to be extremely costly to the farmer. According to the administration's calculations, it is worth $35 per acre to set aside land. Even if we take this low figure, the set-aside requirement would mean that a cotton farmer who planted 100 acres would lose $1,166.66 because of the set-aside requirement.

This is indeed a heavy loss for a farmer who will receive 10 percent less for his cotton.

The Senate committee realized that such a loss was unacceptable and the committee voted unanimously to accept our able chairman's amendment which provided for a set-aside of 12½ percent.

Unfortunately, the House conferees and the administration refused to budge on the set-aside. After 3 weeks of continuous deliberations, a majority of the Senate conferees agreed to accept a 28 percent set-aside requirement for cotton.

This conference had reached a stalemate. This went on day after day and week after week. Sometimes the conversation was tense and bitter. Sometimes tempers were high. We fought as long as we possibly could.

As the Senator from Louisiana stated, neither he nor the senior Senator from North Dakota nor the junior Senator from Georgia signed the conference report. I did not want the people of my State or the people of this Nation to think that I supported that kind of a farm bill. But at the present time we are on the horns of a dilemma.

The House conferees, the Department of Agriculture, the White House, and the Bureau of the Budget have informed us day after day and time after time that it is either this farm bill or no farm bill at all.

If we have no farm bill at all, what will be the result? We will go back to the Benson Act of 1958. That is the permanent legislation that will become law if this conference report is rejected.

Under that bill we piled surplus on surplus in Government warehouses. Cotton got up to over 17 million bales. Every grain elevator in the United States was filled with wheat and corn. The cost to the taxpayers of the country was beyond comprehension.

At that time we had a two-price system for cotton. Foreigners paid 8.5 cents a pound or $42.50 a bale less than the American textile mills paid for it. The textile industry had to pay a premium of $42.50 a bale to buy American cotton.

Cotton is in serious difficulty at the present time. We are spinning more manmade fibers in the United States than we are spinning cotton. The textile mills are switching more and more from cotton to synthetic fibers.

If we go back to a two-price system for cotton, it is my judgment that cotton will be destroyed as a commodity in this country in less than 3 years' time. The textile industry and the garment industry are losing employees at the rate of 100,000 a year at the present time because of cheap foreign imports. They would be absolutely destroyed by a return to the 1958 act.

I see no alternative under the present circumstances except to pass a bad bill in order to prevent one that might be infinitely worse.

Again, I congratulate my chairman and associate myself with his remarks. No man in America stood more valiantly on the floor of the Senate and fought for the American farmer than the distinguished senior Senator from Louisiana. He has been chairman of this committee ever since I have served in the U.S. Senate.

I have had the pleasure of working with him now for almost 14 years. On most issues we see eye to eye. Occasionally we disagree. On this matter our only disagreement is not on the type of the bill presented to the Senate today but on the alternative to this bill.

I believe that even a bad farm bill is better than no farm bill at all. It is better than the return of a cotton program that is completely inappropriate for today's markets.

I am not ready to allow the destruction of the cotton industry of this country. I do not believe that this industry is dispensable. There are several areas of the cotton program in which the Secretary of Agriculture will have some discretion under the pending bill. As a Member of the Senate, I now have no choice but to cast my vote for the administration's bill. But I do want to serve notice on the Secretary of Agriculture that I am not about to let the matter drop here.

I fully intend to use my position as a ranking member of the Senate Agriculture Committee and a Member of the Senate to urge in the strongest possible terms that the cotton program be administered so as to achieve maximum cotton production and maximum cotton income.

I will be looking over the Secretary's shoulder, and he can expect to hear from me quite frequently should he fail to use his authority properly. Mr. President, I thank my distinguished chairman.

Mr. MONDALE. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. MONDALE. Mr. President, I join the distinguished Senator from Georgia in commending the distinguished chairman of the Committee on Agriculture and Forestry for his gifted and devoted statement on behalf of the farm programs.

It was my privilege for some years to serve under his leadership as a member of the Senate Committee on Agriculture and Forestry. I learned there to have a deep respect for his understanding and devotion to the objective of strong agriculture and, because of that, a strong Nation.

I was much pleased when the Senate farm bill passed and went to conference. While none of us gets everything he wants, this was a good farm bill. Virtually every farm organization thought so.

We had a program which tied feed grains to parity with a minimum of 75 percent of parity. We had a strong wheat program. We had guarantees written into the legislation which assured American agriculture and the American farmer of the minimums they needed to make the plans and be sure they could even be in business in the years to come.

We had a provision requiring advance payments to farmers based upon the wheat in the feed grain program, a measure which cost very little to the U.S. Treasury, but one which was very helpful to the farmer in receiving payments to which he was entitled during the early start of production so that he would not

have to turn to the lenders and pay high interest rates, particularly during this period.

For the past 7 years the Department of Agriculture made advance payments. This administration decided not to do so. Therefore, this mandatory requirement, in my opinion, was necessary. But it was similarly a great disappointment to me to find that the bill reported out of the conference committee virtually deleted every one of the strong features which were so strongly supported by the Senate and by the chairman of the Senate conferees, the distinguished Senator from Louisiana (Mr. ELLENDER).

The point I wish to make is that last night I was privileged to speak to the Farmers' Union Grain Terminal Association's annual meeting. This was a remarkable meeting at which over 7,000 farmers from Minnesota, North and South Dakota, Montana, and some from Iowa and Wisconsin, attend a 3-day conference each year to discuss American agricultural matters.

Mr. President, I wish to report that this conference overwhelmingly and unanimously passed a resolution requesting the U.S. Senate to reject the conference report now pending before the Senate. I do not recall on any other occasion seeing such strength and unanimity of opinion in American agriculture.

Mr. SYMINGTON. Mr. President, will the distinguished Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. SYMINGTON. How many farmers were at this meeting?

Mr. MONDALE. Approximately 7,000 from all these States.

Mr. SYMINGTON. Would the Senator name the States again?

Mr. MONDALE. The States of Minnesota, North and South Dakota, and Montana. There were also representatives from Wisconsin, Iowa, and I believe a few from Missouri.

Mr. SYMINGTON. I thank the Senator.

Mr. MONDALE. It should come as no surprise because if voters in the Midwest and the great agricultural areas of our country were saying anything this past year, I think they were saying that they were deeply disturbed. And well they might be because although there was a wholesale price index as we had in October, which stated there had been no increase in the wholesale price index, that was true only because farm prices dropped so precipitously, despite the fact everything else was going up. Those figures reflected that the farmers almost alone were absorbing direct price drops and the burden of trying to equalize and temper American inflation.

According to statistics released by the Department of Agriculture just a few days before the election, the result was that farm price parity ratios dropped to the lowest level since 1933. I wonder what would happen if parity ratios for bankers dropped similarly? Or what would we hear from the automobile manufacturers if their prices dropped similarly to rates of 1933? But that is what happened to the American farmer, and in those same States three Governors were elected, five new Congressmen were elected, and three strong voices for American agriculture returned to the Senate.

In my 20 years of involvement in politics in my State I have never seen the farmers as concerned, as distressed, and as anxious as they are today because literally their futures are at stake, the future of the farmers and our future.

I think the American people have spoken and I hope we can follow the leadership of the chairman of our committee and others who have spoken here today to reject the conference report and go from there to build a strong farm bill that American agriculture, rural America, and all of us require for the kind of decent society we all wish to have.

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

Mr. MONDALE. I am delighted to yield.

Mr. MANSFIELD. Mr. President, will the Senator yield to me briefly? I would like to suggest the absence of a quorum.

Mr. BURDICK. I yield.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the conference report occur at 3:30 p.m.

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

Mr. MANSFIELD. I thank the Senator for yielding.

Mr. BURDICK. Mr. President, first, I would like to join my colleagues in the Senate today who have paid tribute to the Chairman of the Committee on Agriculture and Forestry. He fought a valiant fight in the conference and we from the great grain producing areas of the country greatly appreciate it. He did all he could do and the fact that he refused to sign the conference report attests to his sincerity in the matter.

I wish to ask several questions of the chairman of the committee, the Senator from Louisiana.

In discussing the wheat section the Senator referred to the fact that the programs are comparable to the present law. Is it not a fact that the conference report limits domestic certificate payments to 535 million bushels of wheat?

Mr. ELLENDER. That would be the minimum under the conference report.

I listened with interest to what the chairman of the committee had to say describing the cotton section and particularly how the conference bill might lead to surpluses. The chairman is aware of what we have done in the past 10 years in trying to reduce the carryover in surpluses in all areas.

Once the set-aside has been adhered to or agreed to in the area of wheat, there is no limit on anybody, on any area, on any location as to where wheat can be grown. Is that correct?

Mr. ELLENDER. The Senator is correct. That is the distinction I tried to make between the present law and this bill.

Mr. BURDICK. That is correct.

Mr. ELLENDER. Because under the present law we have guidelines wherein the minimum national marketing quota is 1 billion bushels which the Secretary must use as a yardstick to start with.

Mr. BURDICK. At present the exchange of crops is clearly defined.

Mr. ELLENDER. Yes.

Mr. BURDICK. Farmers could plant feed grains on wheat acres or wheat on feed grain acres.

Mr. ELLENDER. Yes.

Mr. BURDICK. So there is no limit on the exchange that could be made. Today there is no limit as to where wheat could be grown.

Mr. ELLENDER. The Senator is correct.

Mr. BURDICK. It could be grown in Maine, California, or any place in the country.

Mr. ELLENDER. Yes.

Mr. BURDICK. In the early days when wheat was grown just for the grist mill or for personal use transportation was not a problem. Is it not a fact that today transportation is one of the big factors?

Mr. ELLENDER. That applies to any commodity, of course.

Mr. BURDICK. For example, cotton could not be raised in North Dakota, but wheat could be raised in the Senator's State of Louisiana.

There is that difference, and the cost to transfer a hundredweight of wheat from an average central point in North Dakota to the gulf ports by rail is about $1.10 and by barge $0.80, so that there is an 80-cent to $1.10 differential in raising grain near the gulf ports and in North Dakota. I suppose this does vary as we get closer to the gulf area, but does the Senator not feel that where there is this wide-open planting provision on wheat that will permit farmers who historically never planted wheat will now raise wheat?

Mr. ELLENDER. I stated that in my opening statement. That is something that may occur with respect to wheat as well as cotton.

Mr. BURDICK. That is correct.

Mr. ELLENDER. Because it also applies on cotton.

Mr. BURDICK. And we may be faced with surpluses in wheat and cotton.

Mr. ELLENDER. The Senator is correct.

Mr. BURDICK. There is no limitation.

Mr. ELLENDER. The Senator is correct.

Mr. BURDICK. Now, I have a question for the able Senator from Minnesota. The State of Minnesota is one of the feed grain States; is it not?

Mr. MONDALE. We have almost a greater variety of agriculture produced than almost any other State, but we are a large feed grain producer.

Mr. BURDICK. The Senator does not mean to tell me Minnesota is a leading wheat producer; does he?

Mr. MONDALE. We produce the best wheat; there are other States that produce more wheat.

Mr. BURDICK. We will not argue the point, but I think the Senator will find that North Dakota is the leading producer of dark northern spring wheat.

I wish to call attention to a memorandum I received, or a view I received from the Library of Congress Legislative *Reference Service* in regard to the discretion contained in the bill. This seems to be the Achilles' heel of the bill: That we are giving to the Secretary of Agriculture discretion he should never want or have.

For example, I am reading from the Library of Congress Legislative Reference Service report which refers to a listing of the important grants of discretionary power to the Secretary of Agriculture in the proposed Agriculture Act of 1970. It states that one of those important grants of discretionary power is:

Title V—Feedgrains—Sec. 105(b)(3): ". . . the Secretary may permit producers of feedgrains to have an acreage devoted to soybeans or to wheat considered as devoted to the production of such feedgrains to such extent and subject to such terms and conditions as the Secretary determines will not impair the effective operation of the feedgrain or soybean program."

Reading section 105(c)(1):

The Secretary shall provide for a set-aside of cropland if he determines that the total supply of feedgrains or other commodities will in the absence of such a set-aside, likely be excessive . . . the producers on a farm must set aside and devote to approved conservation uses an acreage of cropland equal to (1) such percentage of the feedgrain base for the farm as may be specified by the Secretary . . .

There is no maximum limit on the required set-aside and the Secretary has discretionary authority to require a set-aside of any percentage, not even limited to 100 percent, of the feed grain base, which he finds will effectuate the purposes of the act.

Why do we have to grant that much discretion to any Cabinet officer?

Mr. MONDALE. As I said earlier, one of the key elements in this legislation that concerns our farmers is that there is absolutely no way that this kind of unlimited discretion can enable a feed grain or wheat farmer to plan his future. It leaves the farmer's future entirely up to a public official who is not elected, who is not governed by any standards; and one cannot conduct business in American agriculture with those kinds of unlimited options available to this one person. Indeed, it is unprecedented.

In that way, and also in terms of the elimination of any meaningful minimum parity price protection—parity price in the feed grain section, though it appears, is calculated so as to have no effect—it is a shadow of a contribution, and not a contribution of substance.

So both in terms of this unlimited discretion, to which the Senator from North Dakota properly makes reference, and which is clearly described by, I assume, Dr. Wilcox, from the Library of Congress, plus the fact that the feed grain program now, for all practical purposes, has no tie with parity, a disastrous situation for the feed grain farmer is really created. It is analogous to this: If we passed a bill eliminating the National Labor Relations Act, we could have no more fundamental effect upon the future of the workingman than we would on the feed grain farmers of our country by passing this legislation.

Mr. MILLER. Mr. President, will the Senator from North Dakota yield ?

Mr. BURDICK. I yield.

Mr. MILLER. I think my colleague from North Dakota knows that the Senator from Iowa is very chary about granting discretion to nonelected public officials. On the other hand, I think we have to take into account that in the agricultural area there are great uncertainties. One uncertainty that came upon many feed grain States and many feed grain farmers with almost lightning-like rapidity was the corn blight problem. If the Congress had to legislate every time there is some unforeseen development, I could see a great amount of delay and difficulty.

It seems to me that the Secretary of Agriculture ought to have discretion, based upon guideline, to see that the set-aside is geared into production which will not bring about excessive production, and be flexible enough so that he can set the set-aside requirements to roll with the punch.

At the time we were considering this bill in the Committee on Agriculture and Forestry, the Secretary had prepared some estimates which were based upon a probable set-aside of 20 percent of the feed grain base.

In view of developments as a result of the corn blight problem, there is now grave doubt as to whether or not this would be a proper figure to use. The chances are that the Secretary will not be able to make a good determination of that question until possibly early next year, when all of the statistics needed to make a judgment will be available to him. It might end up at 18 percent. It might end up at 20 percent. It might end up at 22 percent.

But it seems to me that we ought to give the Secretary of Agriculture the feeling of confidence on our part that he is not going to abuse this authority.

I find it incredible to think that any Secretary of Agriculture would abuse his discretion to the extent that he might, for example, require a 50-percent set-aside, and then, of course, throw feed grain production into a terribly deficient position, which would cause an abnormal increase in the cost of feed grains and livestock, and the costs of the consumers.

I do not believe that we should treat this discretion on the part of the Secretary as one that the Secretary is going to use in any other way than to benefit the country and that he will not abuse his discretion, but that he needs flexibility.

I will say to my friend from North Dakota that if before the conference committee, or in the agriculture bill as it appeared on the floor of the Senate, there had been a provision that the Secretary could not have a set-aside of less than 10 percent or more than 50 percent, and that he had to operate within that framework, I do not think there would have been a ripple on the floor of the Senate. But I suggest to my friend from North Dakota that that would be completely unnecessary. I do not think there is any intention on the part of anybody, or any thought on the part of anybody, least of all the Secretary of Agriculture, that this discretion will be so widely used. We are talking in terms of variances of possibly 5 percent or perhaps 10 percent.

Mr. BURDICK. Let me say we are not contending that there is any intention to abuse any discretion. I am saying something that the chairman has said—that it is too wide open; that there should be some guidelines that would limit this discretion to some acreage. Right now there could be a 100-percent set-aside under his discretion. That should not be in the law. That is too much.

Mr. MILLER. May I ask my friend from North Dakota if he really thinks that any Secretary of Agriculture would ever exercise the discretion of 100 percent?

Mr. BURDICK. Why should we have it in the law, then?

Mr. MILLER. I think really it is understood that such an absurdity is not necessary to be covered by the law, but that the guidelines to set the set-aside according to what is necessary to prevent excessive production or underproduction is a proper guideline. I do not know what the Senator from North Dakota might propose. Has he suggested, for example, that the committee provide for a set-aside to be not less than 10 percent or more than 50 percent? Is that what he is getting at?

Mr. BURDICK. I would like to have the conference committee review that very question. That is what I would like to have them do. I would like them to use their judgment, so that at least we would have some guideline to limit it to some extent. That is why I want it returned to the conference committee. Let the conference committee, in its wisdom, set a guideline, so that it will not be an open-ended authority.

Mr. MILLER. After the legislative history that has been made on this question, taking into account the tables and figures furnished the House Agriculture Committee, taking into account the tables and figures furnished the Senate Agriculture Committee, taking into account the statements of the Secretary of Agriculture and his officials, if there were any kind of abuse of this discretion along the line that our imaginations could lead us to, there would be prompt retaliation in the Congress. But I do not expect any such abuse. As a matter of fact, I can say to my friend from North Dakota that I do not recall that the question of abuse of this discretion ever came up in the

proceedings of the Senate Agriculture Committee, because we understood that the 20 percent set-aside figure was something of a "guesstimate," but that we were talking in terms of the exercise of discretion in that area, which could be up or down, depending upon unforeseen climate and growing conditions.

I must say that I do not believe the Senator from North Dakota has any need to worry about this. I do not know of any Secretary of Agriculture who would abuse the discretion that exists in the bill.

Now, we get into another area of discretion: Price supports. Why would we not just leave the price supports wide open? They came over from the House of Representatives with a bill which provided that the loan rate on feed grains shall be not in excess of 90 percent of parity. The next thing you know, someone said, "Well, that means there is no floor; therefore, the Secretary could set a loan rate of 50 cents a bushel on corn."

My reaction was that I did not think any Secretary of Agriculture in his right mind would ever even think of such a thing; but what gave me some trouble was the fact that in the House Agriculture Committee, one of the tables furnished by the Department of Agriculture to the House Members on the basis of planning for this legislation was based on an estimated 90-percent loan rate on corn. Then when the tables were furnished to the Senate Agriculture Commitee, the Secretary and his people gave us a figure of a $1 loan price for corn.

So I said that maybe there might be a consideration of reducing this floor to 90 cents, and I could not see any difficulty of using a dollar. It is no great shakes, but it would cover the costs of production, and to be on the safe side, and not to allow any variation below a dollar, I said, "Let us set a price support at $1." My colleagues in the committee went along with that, and I am glad to say that the Senate did, and so did the conference committee.

I think that is a different kind and degree of discretion than what the Senator from North Dakota is talking about. But I point this out to the Senator so that he will know that the Senator from Iowa is concerned about the possibility of abuse of discretion where there is some area which can have a very important impact on the income of farmers.

Where there is an area of discretion based upon the needs of the country, upon production, or upon climate variations, I think we have to have some flexibility, and I do not think the Senator from North Dakota is going to see any abuse of discretion by the Secretary.

Mr. BURDICK. I must say to my friend from Iowa at this point that I cannot yield further, because we are under controlled time.

Mr. MILLER. I am sorry.

Mr. BURDICK. I realize that the Secretary has to have some discretion. We are in disagreement as to the extent of it.

As to the payment for the set-aside, that is also up to the discretion of the Secretary. I should like to continue with my prepared remarks at this time, and if the Senator wishes to speak further, perhaps he can be recognized on his own time.

Mr. MILLER. I apologize for taking the Senator's time. I thank the Senator for yielding and permitting me to engage in this colloquy.

Mr. FULBRIGHT. Mr. President, had the Senator finished?

Mr. BURDICK. No; I am not through.

Mr. FULBRIGHT. I was going to ask a question about the situation on cotton, but I guess I should not address that question to the Senator from North Dakota.

Mr. BURDICK. No; not to me.

Mr. President, I oppose the pending conference report.

The farm bill pending before us today is weak in two important ways.

First, it is weak in terms of price support for the basic agricultural commodities. For feed grains, cotton, and wool especially, the legislation contains no meaningful parity formula to protect the farmer against increases in production costs over which he has no control. The fixed-figure price supports in the bill may seem adequate when judged according to their immediate impact. But as we move beyond 1971 into 1972 and 1973, inflation and escalating costs will exert an ever-tightening squeeze on farmers' real income.

The way to correct this is to return a workable parity provision to the basic commodity programs.

Second, the conference version of the farm bill is weak in regard to supply management. Farm programs that have evolved in this country since the 1930's are built upon the fundamental proposition that Government can and should help the farmer to do what he cannot adequately do for himself—that is, to manage production of farm commodities so as to maintain a reasonable balance between supply and demand. The measure of stability imparted to the agricultural economy by existing farm programs has redounded to the benefit of both farmers and consumers of farm produce. Today, the American consumer pays less of his disposable income for his food than ever in history—less than the consumers of any other major nation of the world are spending. Furthermore, while the cost of living has risen, the share of disposable income which goes to the farmer has been declining for the past several years and continues to decline.

Th workable system of supply management that has evolved over the last 4 decades is threatened by the approach contained in the conference report. In lieu of the proven network of commodity-by-commodity production controls in existing law, the confrence version would substitute the so-called set-aside approach.

How the set-aside will work is anybody's guess. As far as I know, the administration has not explained it to anyone's satisfaction. If anyone has been able to obtain, from the Department of Agriculture or another source, a projection of exactly how the set-aside will work, I would truly welcome the information.

The apparent truth is that the USDA does not know how, and even whether, the set-aside will provide effective supply management, for its workability depends upon how thousands of individual farmers allocate their land and other production resources among the different commodities. These decisions by individual farmers—and how they will aggregate into overall production patterns for each crop or commodity—are really unpredictable.

The set-aside approach has been promoted by the administration with the argument that it will afford more "freedom to plant" to the American farmer. There is, indeed, a surface validity to the argument that the set-aside would give the farmer more flexibility in his planting decisions. But this could become a mockery of freedom, if it leads to overproduction of specific commodities, and to the type of instability in agriculture that injures both consumer and producer of food and feed products.

The Nation experienced this type of instability in agriculture before the Great Depression, and it would be tragic to return to similar conditions as a result of deliberate public policy. Unfortunately, the set-aside may well be such a policy.

These two weaknesses of the farm program embodied in the conference report—that is, rigid, inadequate price supports and untested, perhaps unworkable production controls—go to the heart of the legislation. They cannot be extracted from the programs without removing the very lifeblood from the programs of which they are a part.

I know that there are some who would emphasize that the hour is late, and that quick adoption of the conference report at least would assure that there will be a farm program for the coming year. It is understandable that there are even some farmers of this opinion. Sometimes uncertainty about one's fate is more terrible than "getting it over," regardless of what the outcome might be.

Leadership is direly needed at this time. Farmers need to be assured that the Senate and the Congress will not let them down at this crucial hour, and that they need not settle for half a loaf for fear that they will get no loaf at all. The farmers of this Nation—following the mandate that they provided in the November 3 congressional election—are now looking to the Senate for leadership in this crisis.

If we take the initiative and reject the conference report, there is reason to believe that the House of Representatives will still enact a better farm bill in 1970. The November 3 election amounted to a significant referendum on the farm bill.

Mr. President, on October 30—just over 2 weeks ago—the Crop Reporting Board of the Department of Agriculture announced that the general farm parity index now stands at 70. This is the lowest level for the parity index since 1933, the depths of the Great Depression. Can we afford to enact a farm bill for 1970 that will continue this downward slide in parity for farmers during the next 3 years?

I say that we cannot. Let us reject the conference report, and permit the conferees to try again.

Mr. FULBRIGHT. Mr. President, if the Senator from North Dakota will yield to me, I should like to propound some questions to the Senator from Louisiana.

Mr. BURDICK. I yield.

Mr. FULBRIGHT. Just one or two questions about the Senator's estimate of the effect of the open-ended planting on the cotton program. The Senator has evidenced his displeasure with this report, and I have grave reservations about it. The cotton farmers in my State have grave reservations as well, but they are also extremely concerned about the alternative, if this measure is not adopted.

I realize that the Senator from Louisiana has made his speech, but I should like for him to explain in a little more detail the effect of allowing open-ended planting above the allocated acreage, and how he thinks this will work.

Mr. ELLENDER. Every farmer who has a history of growing cotton would be protected under the law at around 35 cents a pound.

Mr. FULBRIGHT. For his allocated acreage.

Mr. ELLENDER. His allocated acreage. Now, if the farmer desires to plant any additional acreage over and above the allotted acres, he may do so; and if he does so, he can get a loan on whatever he produces equal to 90 percent of the world price.

Mr. FULBRIGHT. As of today, approximately what would that amount be? What would be 90 percent of the world price?

Mr. ELLENDER. Approximately 16.5 cents or 17 cents a pound under the bill.

Mr. FULBRIGHT. Would the effect of this be that the large farmers then would get their regular 35 or 36 cents on the allocated acreage, and all above that somewhere around 16 cents?

Mr. ELLENDER. They would get a loan to that extent if they desired. But many of these farmers who have a large acreage contract with mills have perhaps a thousand bales, not at 16 or 18 cents, which is 90 percent of the world price, but they might contract for as much as 25 to 26 cents a pound. In that way, a great deal of cotton will be planted, no doubt, and it will mean that the cotton on other allocated acres may have to be taken over by the Government, because many sales will be made by the farmer for the cotton that is planted on the acres above the allocated acres.

Mr. FULBRIGHT. Is it the Senator's concern that this may be an inducement to a great overplanting and a building up of additional surpluses?

Mr. ELLENDER. That is my concern, exactly.

Mr. FULBRIGHT. That is the Senator's major concern?

Mr. ELLENDER. The major concern. As the Senator knows, several years ago we had a surplus of about 17 million bales of cotton; and under the program envisioned under the present law, we were able to decrease that surplus to a little under 7 million bales, which is a normal carryover.

Mr. FULBRIGHT. The small farmers still get the regular price on the allocated acreage?

Mr. ELLENDER. That is correct.

Mr. FULBRIGHT. They will not be concerned with the excess planting, in any case, since most of them do not.

Mr. ELLENDER. That is correct. That is the first year. But the second year, if more cotton is originally planted than necessary and the surplus builds, then, under the law, the Secretary of Agriculture is at liberty to decrease the acreage from 11.5 million to whatever he deems necessary to keep the surplus down. So that it is possible under this measure that if the planting increases the surplus to such an extent, the acreage may be cut from 11.5 million in 1971 on which farmers will receive pay to as low as 9 million or 8.5 acres in 1972 or 1973.

Mr. FULBRIGHT. In the event that takes place, is there any protection for the smaller farmers?

Mr. ELLENDER. No.

Mr. FULBRIGHT. They will be cut on the same proportion?

Mr. ELLENDER. Yes. But they will get payments a little greater, so that their income will not be affected very much.

Mr. FULBRIGHT. I thank the Senator.

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

Mr. FULBRIGHT. I yield.

Mr. HOLLAND. Supplementing the answer of the distinguished chairman, I want to point out that there are two other matters that I think should be mentioned at this time.

The first is that the law mandatorily provides that if the acreage is reduced, the income to the farmers not be reduced, that the price of payment per pound goes up.

Mr. FULBRIGHT. On the allocated acreage?

Mr. HOLLAND. Yes. So that about the same amount will go out to the various communities as heretofore. I thought that was fair treatment.

The other thing that I think might be put in the RECORD, in addition to what the distinguished chairman has said, is this: The bill itself, as it comes from conference, contains a provision that if the carryover rises above 7.2 million bales and we have had vastly greater carryovers than that—the Secretary is not permitted to make loans thereafter on cotton produced on excess acreage, and he is permitted to limit the acreage which can be planted by program participants, always subject to the provisions I have just mentioned, that he may not cut the total revenue given to the farmers or to the community.

Mr. FULBRIGHT. So, if I understand it correctly, the excess would have to get above 7.2 million bales before it could—

Mr. HOLLAND. There would be no inducement, no support, and I think a farmer would be foolish to plant under those conditions.

It was made very clear throughout our arguments—we had long arguments, and I commend the patience of the chairman through the 3 weeks of arguments in conference—that the people who wanted to plant beyond their allotment required the assurance of loans before they felt justified in planting. When that assurance is cut off in case 7.2 million bales are on hand, I can see no apprehension at all that anybody need have about planting beyond the allotment.

Mr. FULBRIGHT. I thank the Senator.

Mr. BIBLE. Mr. President, the cotton growers in my State of Nevada are deeply concerned over the effect of this legislation on Nevada's future cotton allotment. And I think they are properly concerned.

By national standards, Nevada is a small cotton producer. We grow high quality cotton, but compared to other cotton States, our acreage is very limited. Nevada's share of the national cotton allotment for 1970 is only about 3,700 acres.

Since the Agriculture Act of 1956—enacted in the 84th Congress—the law has contained a provision establishing a national cotton acreage reserve to be apportioned to States on the basis of their need for additional acreage to establish minimum farm allotments. Under this provision of the law, Nevada has been entitled to special 1,000-acre statutory apportionment from this reserve.

One of the reasons this special provision was made in the first place was to enable our Nevada cotton farmers to plant sufficient acreage to justify the building and operation of a cotton gin. Before the special allowance was granted, the acreage planted was insufficient to support an economical ginning operation. It was necessary for our farmers to bale their cotton like alfalfa and truck it some 300 miles over the Sierra Nevada Mountains to the nearest cotton gin in the State of California.

The special 1,000-acre allowance provided sufficient acreage to permit the building and successful operation of a local cotton gin. It permitted the growth of a small but healthy cotton economy in the Pahrump Valley some 40 miles west of Las Vegas in southern Nevada.

The present conference report discontinues this special allowance for Nevada's cotton farmers. The bill leaves unclear whether the small cotton community in Pahrump will receive sufficient cotton allotments in the future.

This is an important question for my State. I am advised that if no credit is allowed for the special 1,000-acre reserve allowance, Nevada may lose as much as one-half of its entire cotton allotment. According to the Nevada State Committee of the Agriculture Stabilization and Conservation Service, any reduction in the present allotment will cause a shutdown of the Pahrump Valley cotton gin. A drastic reduction of one-half the present allotment could result in a loss of farm income amounting to $250,000 annually, with very serious adverse effects on the entire community.

Nevada needs a cotton allotment comparable to what she has now, and to what she has been receiving over the years un-

der existing law. Her usual allotment is small in any case, and any reduction will bring economic hardship.

My question to the manager of the bill, the distinguished Senator from Florida, is this:

The national cotton allotment for 1970 is 17.1 million acres. The present conference report provides a national allotment for 1971 of 11.5 million acres, and I am told that under a strict construction of the language of the bill Nevada's allocation of acreage will be a much smaller proportion than is the case for any other cotton-producing State. Was it the committee's intention that the 1971 allotment for Nevada would be reduced in this manner—to a level disproportionately low in relation to the allotments for other States?

Mr. HOLLAND. Mr. President, I appreciate the apprehensions of the Senator and the cotton growers of his State. It is our understanding that each State will share in the 11.5 million acre base allotment for the 1971 crop year to approximately the same extent percentagewise as in 1970. If Nevada is unduly penalized in this allocation procedure, we expect the Secretary of Agriculture, under broad authority conferred on him by the statute, to make such adjustments as may be necessary in order to avoid the kind of situation described in the remarks of the Senator from Nevada.

Mr. President, I might add to that, the conferees understood clearly we were allowing for the taking care of distress cases in such a way as not unduly to hurt any grower or community of a State. I am sure that this answer will relieve the apprehensions of the cotton growers of the great State of Nevada.

Mr. BIBLE. It certainly does, and I want to thank the distinguished Senator from Florida, the Senator in charge of the bill, and would likewise want at this time to thank the distinguished chairman of the full committee who has been a great ally of mine in attempting to bring this about.

All we want to do is to get enough of an allotment to get the cotton gin going. If it is cut this harshly, obviously, it cannot do so.

I appreciate very much the answer of the distinguished Senator from Florida.

Mr. TALMADGE. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I shall be glad to yield to the Senator from Georgia, but first I want to supplement what the Senator has said about the distinguished Senator from Louisiana (Mr. ELLENDER). He certainly has been a great friend of the agricultural producers of the Nation. He still is. I regard him as an outstanding friend of agriculture in the Senate.

Now I am happy to yield to the Senator from Georgia.

Mr. TALMADGE. Mr. President, for the purposes of leasing a farm with a cotton allotment can the tenant contract for a lease that provides for a cash rent with limited reduction in rent predicated on a subnormal yield and have this lease considered for purposes of the farm program a cash lease rather than a share crop lease?

Mr. HOLLAND. I am glad to answer that question. I was advised that this question might be raised, and had the counsel for the committee look into it. The answer is "Yes," for the purposes of administering this act, this arrangement should be considered a cash lease rather than a share lease.

I think that should satisfy the apprehensions of the Senator from Georgia and his constituents. It is a clearly understood apprehension.

Mr. TALMADGE. I thank the Senator in charge of the bill. I also concur in the remarks which have been made, and which I made earlier, with regard to our distinguished chairman, the Senator from Louisiana (Mr. ELLENDER).

Mr. HOLLAND. I thank the Senator from Georgia.

Mr. DOLE. Mr. President, I have listened with great interest to the discussion of this conference report, by those opposed to it and those who indicate they favor its adoption.

Let me remind my colleagues that the Senate bill passed by a vote of 65 to 7—I was one of those 62. Then the Senate and the House versions were discussed at some length in conference. There were many trials and tribulations in conference. Finally emerging is what we now have before us in the conference report which has been adopted by the House.

Having served on the House Agriculture Committee for 8 years, and now in the Senate committee for 2 years, perhaps the best course would be to run against the Secretary of Agriculture, whether his name be Freeman, Hardin, or whoever it may be.

To point out how bad this farm bill may be, and how bad the next farm bill may be, but this may be the last farm bill passed by Congress. I say that certainly not in a partisan way. But there are fewer and fewer Members, particularly in the other body, who come from agricultural areas.

Thus, I say in all sincerity, that we may be acting upon one of the last farm bills, at least comprehensive farm bills, for a long, long time.

This is a 3-year program. It is time now for the farmers to make decisions about spring planting. It is a long time passed for those of us in the winter wheat producing areas. We had to plant the crop without knowing what the program would be. That is not unusual. That has happened before. In fact, almost every time we have a new program.

In order for these farmers most efficiently to produce their crops, seed and supplies need to be obtained now.

To determine his needs for seed and supplies, the farmer must know the farm program provisions. Ultimately his decisions will be based on the action of the Senate on the conference report for H.R. 18546, the Agricultural Act of 1970.

WHEAT FARMERS GUESS

Winter wheat producers have already planted their crop. They could not wait, and were forced to speculate as to what provisions new farm legislation would contain. They had the assurances of many Senators that the pending conference report would receive prompt approval following the election recess. Wheat farmers have proceeded with their planting, and the crop is up and green—still anticipating approval of this legislation.

Now the junior Senator from South Dakota suggests consideration be further delayed. Mr. President, I submit that nearly 2 years is ample time to pass farm legislation. What the junior Senator from South Dakota suggests would extend the very program which has caused farmers to abandon their farms. His suggestion would eliminate the possibility of a farmer increasing his income that this conference report provides.

The Senator from South Dakota has also suggested that if we adopt this conference report, it will cost the American farmer some $2 billion. As I read the estimates, at least insofar as wheat is concerned, the gross income will be $32 million more under this program, if we adopt the conference report, than under the present wheat program. The same is true of feed grains—not the same amount—but more income for the farmer. I wonder, therefore, how we can say, without even any trial or error, that favorable action would cost American farmers some $2 billion.

INCOME COMPARISON

It is important that we examine the alternatives available in considering this report. I have heard comments about giving the Secretary of Agriculture too much power. I am reminded that in 1961, when the Democrat Secretary of Agriculture, Orville Freeman, had introduced in the other body H.R. 6400. It gave the Secretary of Agriculture almost unlimited power, and provided fines and jail sentences for farmers who did not keep proper books and records. We discussed at that time the unlimited power of the Secretary of Agriculture and the House rejected it by a five-vote margin—as I recall, a highly compulsory farm bill.

Mr. President, the conference report before us today encompasses not just the wheat program, or the cotton program, or the feed grain program, but many other programs of concern to agriculture, such as the dairy program, the wool program, Public Law 480, land retirement, dairy indemnity programs, and many others. Thus, we are discussing broad programs which affect the entire field of agriculture.

What are the alternatives?

As I said, the Department of Agriculture has projected some income figures based on three alternatives.

I ask unanimous consent to have the list of figures as they relate to cotton, wheat, and feed grains, printed in the RECORD.

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

KEY PROGRAM PROVISIONS AND PROGRAM RESULTS: COTTON, WHEAT, AND FEED GRAINS—1971 PROGRAM ALTERNATIVES COMPARED WITH 1969 AND 1970 PROGRAMS

[Based on estimates developed Aug. 25, 1970. This does not take into consideration revisions in crop reports since Aug. 25, 1970, and the effect of corn blight in program determinations for 1971 crop.

Item	1969 crop	1970 crop	1971 crop alternatives		
			Act of 1970	No new legislation	
				Yes [1]	No [2]
Cotton, upland:					
Production	9.8	10.9	12.5	15.2	15.2
Use	10.7	11.2	11.7	9.6	9.6
Loan rate	20.25	20.25	[3] 18.70	32.07	32.07
Season average price	20.60	20.75	[3] 19.50	32.45	32.45
Payment rate	14.73	16.80	15.50		
Farm value of production	1,024	1,131	1,143	2,368	2,368
Payments to farmers	824	907	860		
Gross income	1,848	2,038	2,003	2,368	2,368
Budget expenditures	1,012	1,006	1,092	1,343	1,343
Wheat:					
Production	1,459	1,357	1,410	1,211	1,475
Use	1,400	1,360	1,440	1,290	1,290
Loan rate	1.25	1.25	1.25	1.15	1.43
Season average price	1.24	1.28	1.30	1.20	1.30
Marketing certificate	1.52	15.7	1.56	1.39	
Farm value of production	1,804	1,737	1,833	1,453	1,917
Payments to farmers	857	899	835	744	
Gross income	2,661	2,636	2,668	2,197	1,917
Budget expenditures	1,257	1,138	1,049	490	957
Feed grains:					
Production	174	175	188	232	229
Use	178	180	186	199	199
Loan rate (corn)	1.05	1.05	1.00	.99	.89
Season average price (corn)	1.12	1.16	1.10	.85	.85
Payment rate (corn)	.30	.30	.32		
Farm value of production	6,811	7,084	7,245	6,985	6,895
Payments to farmers	1,644	1,490	1,400		
Gross income	8,455	8,574	8,645	6,985	6,895
Budget expenditures	1,940	1,688	1,707	1,449	1,336
Summary—Cotton, wheat, and feed grains:					
Farm value of production	9,639	9,952	10,221	10,806	11,180
Payments to farmers	3,325	3,296	2,995	744	
Gross income	12,964	13,248	13,316	11,550	11,180
Budget expenditures	4,209	3,832	3,838	3,282	3,636

[1] Yes vote on wheat referendum—Marketing quotas in effect.
[2] No vote on wheat referendum—No marketing quotas.
[3] Includes micronaire premium of .45 cents.

Mr. DOLE. Mr. President, for purposes of comparison, one can consider the past harvest as a minimum income if the present program were extended for next year. All USDA figures are based on projections prior to any upward influence caused by the corn leaf blight damage.

The USDA projects gross wheat income under provisions of the conference report of the Agricultural Act of 1970 would be $2,668 million. This is an increase of $32 million over the gross wheat income of this past harvest and would be $500 to $700 million more than income they project under either referendum vote.

The junior Senator from South Dakota concurs with the USDA's income loss figure if we should be forced to revert to the Agricultural Act of 1938, as amended. As he said on November 16:

> Reversion to the old "permanent" farm law . . . would entail an annual income loss of some $2 billion on wheat and feed grains alone. (CONGRESSIONAL RECORD, Nov. 16, 1970, p. 37279.)

Cotton income is projected to increase by over $300 million by reversion to the "old" farm law—all in Government payments.

The USDA projects gross feed grain income under the set-aside program would be $8,645 million. That is $71 million more than the gross feed grain income this year, and would be $1.660 to $1.750 billion more than they foresee under either result of a referendum.

Let us now look at the USDA's appraisal of the conference report and examine it beyond income projection.

The Department of Agriculture asserted the act will protect and improve farm income because:

Payments will be continued at a level needed to maintain farm income.

The act's set-aside provisions will keep production levels in line with needs and prevent crop surpluses.

USDA indicates the act will offer farmers a wider choice of crop acreages.

Farmers will have a greater capability to shift production to meet market demand, thus encouraging farmers to produce their most favorable crop.

Set-aside provisions will encourage more efficient use of land by permitting acreage not set-aside to be planted to any crop as the market and not the Government might dictate.

Interplay of market pricing and greater flexibility in farm production patterns will influence crop output toward those most needed for actual use either at home or abroad.

This bill could open the door of opportunity for the farmer. The present farm program provides such close control that a producer has no opportunity to expand and improve his operation. Presently to receive his support payments, the producer must comply with many regulations that forbid him an opportunity to plant more of a more favorable crop—unless he is willing to give up his Government payments.

The conference report we consider today will provide the farmer that very opportunity. He may receive his commodity payments as long as he sets aside a portion of his crop-producing land from production of surplus crops. After compliance with the set-aside requirement, he has a choice. He may plant the allotment, as he does under the present program for various commodities, or he may choose to select his most favorable income producing crop and plant more of that commodity. This is a step in opening the door of opportunity for the farmer to improve his income.

The Senate version of the Agricultural Act of 1970 was far more beneficial to the farmers. The Senate passed its version by a vote of 65 to 7. I would remind the junior Senator from South Dakota that this version was not acceptable to the House of Representatives through their conferees. The changes in the agricultural representation in the House from the recent election was not sufficient to overcome the urban dominance that exists in the House.

NO COALITION

Mr. President, I would at this time submit for the RECORD copies of telegrams from farm organizations asking for approval of this conference report. The groups represented are: The National Association of Wheat Growers, the National Grange, the Washington Association of Wheat Growers, and the National Federation of Milk Producers. Three of these telegrams are from members of the Farm Coalition. My point is that there is strong support for the conference report and apparently no "coalition" position.

PUBLIC LAW 480

The food-for-peace program—Public Law 480—faces expiration the end of next month. This program enjoys nearly unanimous support in both Houses of Congress. It would be extended by approval of the conference report.

Decisions face the Department of Agriculture with respect to the dairy indemnity program, the Wool Act, the special milk program for veterans and military hospitals, and the authority for Class I base plans for milk. Extensions for all these programs are provided in the conference report.

I do not imply these programs would be discontinued, but further delay would necessitate special action for each.

RURAL DEVELOPMENT

Another provision in the conference report would contribute to improving opportunities in rural areas. Title IX of the bill sets guidelines for improving rural America. It directs agencies to review and consider rural areas for future government activities and installations. It also assures the rural community of receiving equal consideration in the provision of governmental services. The rural development title of the bill would serve as a foundation for future legislation to stimulate development of rural areas.

ALTERNATIVES

In the event this conference report is not approved, the farm provisions of the Agricultural Act of 1938, as amended—the program under which we were operating in 1958—would be in effect. The warehouses would soon bulge with surplus productions and the cost of the farm program would skyrocket.

The alternative suggested by my colleague from South Dakota, in extending the present program, would not provide

loan minimums for wheat and feed grains, as does the conference report. Rejection of the conference report would require passage of this alternative, which would face stiff opposition in the House.

Some Members may wish to use the farmer as a political football, but to tinker and delay would be to render a disservice to agriculture.

Commonsense dictates approval of the conference report. Any alternative other than approval of the report at this time would merely cause further delay to the farmers of this Nation.

FARMER WILL PAY

Let me emphasize—The farmer will be the one who pays for further delay. The wheat farmer is already paying, as some could have utilized the set-aside provisions if the conference report had passed prior to October 1.

So I think we must talk about the alternatives.

Let us now look at the USDA's appraisal of the conference report and examine it beyond income projection. They say the payments will be continued at the level needed to maintain farm income and that the set-aside provisions will keep production in line with needs and prevent crop surpluses. They will give the farmers of America a wider choice and freedom, and more decisions will be made on the farm instead of Washington or in some ASC office somewhere across America. Farmers will have a greater capability to shift acreage under the set-aside program.

This bill could open the door to opportunity for the American farmers.

Mr. President, I was pleased when in Kansas recently, I talked to State ASC committee members. They are concerned about the farmers of Kansas. As they assess the bill, in its early stages, if substitution of wheat and feed grains is permitted, they predict that it could be the best program farmers have had for many years.

I would be the first to say, as I have said in the past, that farm income should be improved more than this bill provides. I say it to my President as I did to the last President.

Six percent of the American people are farmers and produce the food for the rest of us. We spend less of our disposable income for food than any people in the world.

Some talk about subsidizing the farmers. In the opinion of the junior Senator from Kansas and of many Senators who represent farmers, this is, in effect, a subsidy for the consumers. Until we recognize this, what are the alternatives? What do we tell the farmers if we do not act on the bill today; that we will have a better bill? No. We will have what we had last year.

There is support for the program. There is support for Secretary Hardin. There is support for the great bipartisan work of the House and the Senate. This is not a Democratic bill. It is not a Republican bill. It is the result of the efforts and long, hard work by the chairmen of the Senate and House committees. It is a bipartisan effort because the Democrats control the Congress. They control the House and they control the Senate.

Farm organizations do support the conference report. It is supported by the National Grange, the National Association of Wheat Growers, the Washington Association of Wheat Growers, the National Federation of Milk Producers, and many other groups.

As I said earlier, we are talking about not just wheat, feed grains, cotton, wool, or dairy products. Also included is an extension of Public Law 480 which has literally saved hundreds of thousands of lives in the world because of the generosity of our Government and the American farmer.

There are decisions right now facing the Department of Agriculture with reference to the Wool Act, the dairy indemnity program, the special milk program for veterans, military hospitals, and the authorization for Class 1 base plans for milk.

The Senator from Kansas does not imply that all of these programs will go by the board if the Senate does not act favorably today. But as a junior Member of the Senate, I do say it is time we act. The farmers have waited long enough.

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

Mr. DOLE. I will yield in just a moment.

Mr. President, I ask unanimous consent at this point to have printed in the RECORD telegrams received from the National Grange, the National Association of Wheat Growers, the Washington Association of Wheat Growers, the National Milk Producers Federation, a letter from Secretary Hardin concerning this proposal, and suggestions for administering the program—which I find to be completely compatible—the very excellent recommendations adopted by the National Grange, and a letter from Hendrik S. Houthakker with reference to a letter circulated by one farm organization that this administration is bent on destroying the family farmer.

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

PASSAGE OF AGRICULTURAL ACT OF 1970

Resolved, that the National Grange, assembled in its 104th Annual Session at Boise, Idaho, November 16, 1970, urges immediate and affirmative action on the Agricultural Act of 1970.

Although falling short of National Grange objectives we find the farm bill better than the other two alternatives: (1) no new legislation—revert back to old laws totally unacceptable to agriculture (2) simple extension of the Food and Agriculture Act of 1965 would leave farmers without fixed floors under wheat and feed grains and without the improvement in the dairy title.

The Committee recommends that a copy of this resolution be immediately transmitted by telegram to Senators Hugh Scott and Mike Mansfield, Minority and Majority leaders of the Senate.

WASHINGTON, D.C.,
November 17, 1970.

Hon. ROBERT J. DOLE,
Senate Office Building,
Washington, D.C.:

We support passage of the conference report on pending farm legislation. While the legislation has many shortcomings, proper administration could regulate production and maintain producer income. The alternative of a referendum is not in the best interest of wheat producers at this time. Other suggested remedies would appear to unreasonably delay and jeopardize obtaining any farm program.

E. L. HATCHER,
President, National Association of Wheat Growers.

RITZVILLE, WASH.,
November 18, 1970.

Senator ROBERT J. DOLE,
Senate Office Building,
Washington, D.C.:

We wish to express our appreciation for your diligent efforts in behalf of passage of a farm bill and its steerage through conference committee, to a report that gained acceptance by the House and Administration. While it's true, our wheat producers would have liked better income provisions it is now more important they be assured of passage. In the absence of a program they have gambled that a program along the lines of committee report would be enacted and have planted accordingly. It would be disastrous for them if they now had to revert to the old permanent farm law because of failure of passage of this bill. To tamper with the version that has already gained House acceptance is to invite eventual defeat. While feed grains, spring wheat and cotton can wait until spring for a bill, it would be unconscionably to subject the winter wheat farmer to this risk and uncertainty. This position fully supports the position of National Association of Wheat Growers.

JACK R. FELGENHAUER,
President, Washington Association of Wheat Growers.

WASHINGTON, D.C., *November 14, 1970.*

Senator BOB DOLE,
Washington, D.C.:

We urge your vote to adopt the conference report on H.R. 18546, the Agricultural Act of 1970, which contains dairy provisions of extreme value to dairy farmers.

PATRICK B. HEALY,
Secretary, National Milk Producers Federation.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., November 18, 1970.

Hon. ROBERT DOLE,
U.S. Senate.

DEAR SENATOR DOLE: Within a day or two, the Senate will be considering the Conference Committee report on the Agricultural Act of 1970. It is fitting that I again affirm the Administration's strong support of the report.

The Senate-House Conference committee reported out a good bill. It is a bill that reflects the bi-partisan effort so prevalent during the past several months as we moved toward progressive, workable farm legislation.

The Act is a good one because it meets the major criteria for any farm legislation . . . that of protecting and improving farm income. The Act insures that payments will be continued at a level needed and offers added protection if market prices drop. The set-aside provisions will prevent price-depressing crop surpluses. Overall, the bill will encourage broader markets for U.S. farm products and provide the flexibility farmers need to service these broader markets, crop by crop.

Under the Act, farmers will move away from frozen crop acreages of the past toward a wider choice of crops in the future. With this greater capability to shift production to meet immediate market needs, farmers can utilize their resources to produce their most favorable crops. This will bring about more efficient use of land by enabling farmers to plant the acreage not set-aside to any crop

as the market and not the government might dictate. The broader use of acreage will also remove the inequity faced by some farmers who by the circumstances of the base years were forced to inequitably low acreages in order to participate in past programs.

The greater flexibility in farm production patterns along with pricing as reflected by market needs will influence output toward those crops most needed for actual use both at home and abroad.

With the great changes taking place in world food production and trade, it is unthinkable that U.S. farmers be forced to rely or. outmoded legislation. The alternative for cotton, feed grain and wheat farmers is clear cut.

Under the permanent legislation, wheat producers would be forced to plant less acreage and get smaller certificate payments than under the Agricultural Act of 1970. Feed grains would return to an average loan of 80 to 90 cents per bushel with no provision for either price-support or diversion payments. Cotton would be priced out of the domestic market by a higher loan which would force domestic mills to use synthetic fibers as cotton piled up in the CCC inventory.

The attached summary shows the direction farm income and government costs would take if the Agricultural Act of 1970 is not accepted by the Senate. At this late date, the issue is whether farmers can get an up-dated farm program or be forced to return to legislation fashioned a decade ago for different circumstances.

Sincerely,

CLIFFORD M. HARDIN,
Secretary.

SUMMARY OF KEY PROGRAM PROVISIONS AND PROGRAM RESULTS: COTTON, WHEAT AND FEED GRAINS—1971 PROGRAM ALTERNATIVES COMPARED WITH 1969 AND 1970 PROGRAMS BASED ON ESTIMATES DEVELOPED AUG. 25, 1970. THIS DOES NOT TAKE INTO CONSIDERATION REVISIONS IN CROP REPORTS SINCE AUG. 25, 1970, AND THE EFFECT OF CORN BLIGHT IN PROGRAM DETERMINATIONS FOR 1971 CROP.

			1971 crop alternatives		
				No new legislation	
	1969 crop	1970 crop	Act of 1970	Yes[1]	No[2]
Summary: Cotton, wheat and feed grains:					
Farm value of production	$9,639	$9,952	$10,221	$10,806	$11,180
Payments to farmers	3,325	3,296	2,995	744	
Gross income	12,964	13,248	13,316	11,550	11,180
Budget expenditures	4,209	3,832	3,838	3,282	3,636

[1] Yes vote on wheat referendum—Marketing quotas in effect.

[2] No vote on wheat referendum—No marketing quotas.

RESOLUTION PASSED AT NATIONAL GRANGES' 104TH ANNUAL MEETING, BOISE, IDAHO, NOVEMBER 16, 1970

ADMINISTRATION OF FARM PROGRAMS

In all farm program administration, there should be maximum participation and involvement of people at the community, county, state and national levels. The times demand both dedication and involvement in the implementation of farm programs.

The Secretary of Agriculture honored us with his presence at the National Grange convention one year ago and stated that the objective of this administration is to maintain farm income. The achievement of this objective is of paramount importance to farmers. We therefore call for action by the Secretary that will protect farm income, strengthen the family farm structure and expand markets for U.S. farm products. We urge that the Secretary use the discretionary authority as may be granted him in the Act of 1970 to achieve these objectives.

We further recommend:

That substitution and freedom to plant provisions, except for set-aside and conserving base acres, give reasonable flexibility to areas and individual producers.

That exercise of this substitution for any given year shall in no way reduce the producer's historic base.

That the Secretary of Agriculture shall carefully weigh the impact of other commodities of making payments not related to the planting of a definite percentage of the crop for which payment is being made.

That preliminary payments under the 1970 Agricultural Act to participation producers be made immediately after July 1 to ease the producers' financing arrangements for the crop season.

And that program information for each crop season be made available to producers by July 1 for fall-planted crops and January 1 for spring-planted crops.

Statement in lieu of Resolution Nos. 91 by Anderson; 274 by Herrian; 435 by Ross; and 451 and 452 by Ingwersen.

ADMINISTRATION OF COTTON PROGRAM

Be it resolved:

1. that excess planting above the base will not be counted as history in establishing bases in future years.

2. that no loan will be made available for cotton produced on land in excess of the base whenever the carry-over reaches the 7.2 million bales referred to in the legislation.

3. that no-aside above the amount necessary to achieve legislative objectives will be required.

4. that 2x1 "skip row" planting will be counted as "set-aside" if any other combination of "skip row" farming is approved as set-aside.

Resolution No. 510 by Caldwell.

COUNCIL OF ECONOMIC ADVISERS,
Washington, D.C., November 19, 1970.

Hon. BOB DOLE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOLE: I have become aware of highly misleading reports on the Administration's farm policy that are apparently being circulated by the National Farmers Organization. Several months ago I saw three representatives of the NFO, and these reports are apparently based on a completely distorted account of this conversation.

As you know, the Administration, including Secretary Hardin and myself, have long been defenders of the family farm. Secretary Hardin's statements speak for themselves; as to my own views, let me just quote a sentence from a publication of mine that came out before I ever went to Washington: "In fact this relative decline [of agriculture] does not even imply the much-lamented disappearance of the family farm, which on the contrary is likely to become even more dominant among the various types of farm production."

The rumor put out by NFO that the Administration wants to drive family farmers off the farm and turn the land over to corporations is of course the exact contrary of the truth. The only surprising thing is that there are people who are willing to believe this obvious nonsense.

The farm bill worked out between the Administration and the Agricultural Committees of Congress, while not perfect in all respects, will support farm income while giving farmers the needed flexibility to adjust to changing circumstances. In my view it represents the best that can be achieved for agriculture at the present time, and the bill deserves the support of all those who are genuinely concerned about U.S. agriculture and the economy in general. I wish you every success in your efforts to secure passage of this important legislation.

Yours sincerely,

HENDRIK S. HOUTHAKKER.

Mr. DOLE. Mr. President, it is the opinion of the junior Senator from Kansas that the one who will pay for any delay is the farmer, not any Member of the Senate. There may be some short term political gain by saying there could be a better farm bill. That is true of most anything

The winter wheat farmer has already planted his crop. Those who have spring crops are now faced with the same dilemma.

I agree with the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD), who said on October 14:

> The bill itself is not all that I desired, but, all things considered, it is a good bill, and it is the kind of bill I will vote for.

That was a statement made by the distinguished majority leader on October 14 on page 36873 of the CONGRESSIONAL RECORD.

It is not as bad a bill as some of the critics believe. It is not as good as some of the proponents would have us to believe. But it is the result of the untiring efforts of the Senate Committee on Agriculture and Forestry and the House Committee on Agriculture and many others concerned with agriculture in America.

It is the best possible bill we could achieve for the farmers at this time. Therefore, I urge adoption of the conference report.

Mr. President, I yield now to the distinguished Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. MURPHY. Mr. President, I thank the distinguished Senator from Kansas.

I have listened with great attention to the Senator's statement. I, too, appreciate completely the problem that the committee is faced with. I have the greatest affection for the chairman of the committee and respect his capability.

I think that earlier in the colloquy the Senator from Georgia stated the case quite simply. He said that this is not a perfect bill and that we have not had a

perfect farm bill or many other such bills. But it is the only farm bill we have today.

For some 30 years I have been concerned with the plight of the farmers in my State of California, which, I think, is possibly the largest farming State. It has the greatest variety of crops.

The farmers in my State have been suffering unbelievable hardships and harassments and have faced very serious problems. They have had to put up with many hardships. Their income is down. Their crop production is up. They produce greater crops and receive a smaller return from their investment and their work.

They have been beset by labor problems—some necessary, some proper, but many unnecessary. They were forced into mechanization in many crops. That will change the picture. It does away with farm labor and replaces that labor with machinery.

This has contributed to high employment rates in my State.

I have talked to the farmers in the valley. The distinguished Senator from Kansas (Mr. DOLE) has just spoken of the winter wheat. The farmers of California have been waiting for 8, 10, or 12 weeks.

The farmers in California have to know the conditions when they go to the bank and borrow money to put the crop in the ground. They have not known the conditions. Lots of acreage will not be planted. The entire community will feel the effects of this.

They asked, "When will the conference report be taken up?" I told them it would be immediately after Congress had reconvened. At long last, we have gotten to it today.

As I said at the outset, this is not a perfect bill. But it is the only bill we have. I beg those who are not familiar with the details of the problems to adopt the conference report today so that these hard-working people across the country can get on with the job. They have suffered long enough.

I am certain that there are built-in protections if mistakes are made in the bill.

No one wants to work a further hardship on the farmers. I enthusiastically urge Senators to vote for this measure, and vote for it today. The farmers in my State have already suffered too much, they have waited too long, and I do not think they can wait any longer.

Mr. MILLER. Mr. President, I would like to make a brief statement for the RECORD regarding the action taken by the conferees on a section of the Senate passed bill relating to the importation of second wheat flour clears. Many of us in Congress have been concerned for some time about closing the loophole occasioned by the present classification of this product by the Bureau of Customs. Over a year ago I wrote to Treasury officials on this subject, and a letter to me from the Department of the Treasury has been made a part of the conference report on page 31.

As one of the conferees who participated in the extensive negotiations of the conference committee, I wish to indicate not only my own position on this question, but what I feel to be the position of the conferees. So long as the Department of the Treasury allows this product to enter this country ex-quota and ex-duty, it will be impossible to achieve parity for the production of domestic second flour clears as well as to uphold the theory under which the wheat marketing certificate system is presumed to operate. It is for this reason that the conferees recommend that this imported product which is used primarily in food processing be classified for tariff purposes as a milled grain product fit for human consumption.

In addition to this argument of principle there is also a very sound economic argument which I wish to place before the Senate prior to its vote on the conference report. I am vitally concerned about the loss of revenue caused by present Bureau of Customs regulations. The Department of Agriculture estimates that the eventual loss to the wheat marketing program will exceed a million dollars. Current estimates by the Department peg the loss of revenue at about $225,000 annually.

Favorable action on the conference report will mean that the Senate strongly urges Treasury officials to act with dispatch in adopting regulations, which will first close an obvious loophole working to the detriment of domestic wheat producers, and, second, will save a considerable amount of money for the Federal Treasury and the agricultural programs of the Department of Agriculture.

Mr. President, looking at this agriculture bill from the standpoint of feed grains, which is, of course, the predominant interest of my State, I think the feed grains people should understand that the failure to take action on this bill could result in one of two things. At the very best it might result in a 1-year extension of present programs, which some opponents have suggested they would like to have. If that were done it would cost feed grain producers an estimated $55 million next year. At worst, and most likely, would be the fact there would be no bill at all, in which event we would revert to the old 1958 act and prior basic legislation. That would be a disaster to feed grain producers. According to figures from the Secretary of Agriculture, it would cost them $1.6 billion next year. There are similar adverse consequences in connection with wheat, which I will not belabor at this point.

I think we have a better program than we have now. It is not what most of us would like to have. I have never seen legislation that includes everything that all of us would like to have. It is easy to talk about so much more here and so much more there, but that is political talk; it is not practical talk which must respond to the varied interests here in Congress.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter addressed to me by the Secretary of Agriculture on November 18, 1970, which shows the comparison between having this bill enacted and not having this bill enacted and either winding up with the prior law or no law at all.

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

DEPARTMENT OF AGRICULTURE,
Washington, D.C., November 18, 1970.

Hon. JACK MILLER,
U.S. Senate.

DEAR SENATOR MILLER: Within a day or two, the Senate wil be considering the Conference Committee report on the Agricultural Act of 1970. It is fitting that I again affirm the Administration's strong support of the report.

The Senate-House Conference committee reported out a good bill. It is a bill that reflects the bi-partisan effort so prevalent during the past several months as we moved toward progressive, workable farm legislation.

The Act is a good one because it meets the major criteria for any farm legislation . . . that of protecting and improving farm income. The Act insures that payments will be continued at a level needed and offers added protection if market prices drop. The set-aside provisions will prevent price-depressing crop surpluses. Overall, the bill will encourage broader markets for U.S. farm products and provide the flexibility farmers need to service these broader markets, crop by crop.

Under the Act, farmers will move away from frozen crop acreages of the past toward a wider choice of crops in the future. With this greater capability to shift production to meet immediate market needs, farmers can utilize their resources to produce their most favorable crops. This will bring about more efficient use of land by enabling farmers to plant the acreage not set-aside to any crop as the market and not the government might dictate. The broader use of acreage will also remove the inequity faced by some farmers who by the circumstances of the base years were forced to inequitably low acreages in order to participate in past programs.

The greater flexibility in farm production patterns along with pricing as reflected by market needs will influence output toward those crops most needed for actual use both at home and abroad.

With the great changes taking place in world food production and trade, it is unthinkable that U.S. farmers be forced to rely on outmoded legislation. The alternative for cotton, feed grain and wheat farmers is clear cut.

Under the permanent legislation, wheat producers would be forced to plant less acreage and get smaller certificate payments than under the Agricultural Act of 1970. Feed grains would return to an average loan of 80 to 90 cents per bushel with no provision for either price-support or diversion payments. Cotton would be priced out of the domestic market by a higher loan which would force domestic mills to use synthetic fibers as cooton piled up in the CCC inventory.

The attached summary shows the direction farm income and government costs would take if the Agricultural Act of 1970 is not accepted by the Senate. At this late date, the issue is whether farmers can get an up-dated farm program or be forced to return to legislation fashioned a decade ago for different circumstances.

Sincerely,

CLIFFORD M. HARDIN,
Secretary.

SUMMARY OF KEY PROGRAM PROVISIONS AND PROGRAM RESULTS

[Cotton, wheat and feed grains—1971 program alternatives compared with 1969 and 1970 programs based on estimates developed Aug. 25, 1970. This does not take into consideration revisions in crop reports since Aug. 25, 1970, and the effect of corn blight in program determinations for 1971 crops.]

			1971 crop alternatives		
				No new legislation	
	1969 crop	1970 crop	Act of 970	Yes [1]	No [2]
Summary—Cotton, wheat, and feed grains:					
Farm value of production	9,639	9,952	10,221	10,806	11,180
Payments to farmers	3,325	3,296	2,995	744	
Gross income	12,964	13,248	13,316	11,550	11,180
Budget expenditures	4,209	3,832	3,838	3,282	3,639

[1] Yes vote on wheat referendum—marketing quotas in effect.
[2] No vote on wheat referendum—no marketing quotas.

Mr. YOUNG of North Dakota. Mr. President, when the Senate-House conferees on the pending farm bill reached agreement I was one of the minority of the Senate conferees who voted against the approval of the compromise farm bill. I did not sign the conference report.

I did say at that time and during the past political campaign that I would vote for the adoption of the conference report as I thought it was the best that could be obtained from the House. A month has elapsed since this conference report came to the Senate that time and the situation is not quite the same as it was then.

I will vote to return the bill to the conference committee for two major reasons:

One: All of the winter wheat has been planted which is about 75 percent of the total production and means that many of these wheat producers cannot fit their operation into the new provisions of the pending farm bill.

Two: Most of the farmers of my State and their farm organization leaders seem convinced that they could get a better farm bill by sending it back to conference. I will vote to send it back to conference in the hope that they will succeed.

Mr. HOLLAND. Mr. President, this was a very difficult matter. The conferees met many times, almost continuously, during the 3 weeks that the bill was in conference. Many difficult concessions had to be made in order to reach an agreement, and three of the seven Senate conferees did not sign the report.

These concessions had to be made because without them there would have been no bill, and a bill is essential to the health of this Nation's economy. It is essential in order to assure consumers of adequate supplies and farmers of an adequate return. It is essential in order to keep Government costs within reasonable bounds. It is essential in order to prevent the destruction of important industries.

When Secretary of Agriculture appeared before the Senate Committee on Agriculture on March 23, 1970, to testify on farm legislation he indicated as shown on page 749 of the hearings, the production, income and cost effects of falling back on basic farm legislation rather than enacting new legislation.

He said, and I quote:

We estimate that if there is no new legislation, feed grain production would outrun use by 20 to 40 million tons—that is between 700 million and 1.4 billion bushels in corn equivalent, to get it in a frame of reference which you all understand better—virtually all of which would wind up in CCC hands.

Now, I might add that the analysis regarding corn may not prevail in 1971 due to the southern corn leaf blight. But, certainly it applies in any normal year.

Cotton production might exceed use by as much as 6 million bales, which also would come into CCC inventory. If wheat quotas were approved, the carryover would probably decline slightly; if they were rejected, production might outrun use by 200 to 300 million bushels.

May I just say, these are our best guesses. A great many people have had a hand in making these estimates. They are not infallible, but are an informed estimate of what would happen.

We estimated some time ago that during the first year of the return to basic legislation, net farm income might fall by $800 million below the level of the present program if wheat quotas were approved, and by $1.3 billion if they were rejected. Recent review indicates that the decline would probably be greater than that.

In the second and third years, as livestock production increased and prices of meat animals fell, income losses would be still greater.

While Government costs would at first decline, they would later increase through rising handling and storage costs and through export subsidies for wheat and cotton.

The House of Representatives has approved the conference report by a vote of 190 ayes to 145 noes. The Senate today has the opportunity to approve the report and assure the enactment of this essential legislation.

With respect to many provisions of the bill there is no controversy. These provisions are important. They are needed, and they should be enacted.

The question of payment limitations has been a troublesome one for several years. The 1971 agricultural appropriation bill, as passed by the Senate, contains a $20,000 limitation. When the farm bill now before the Senate was first considered by the House of Representatives on August 5 a number of amendments, in addition to the Committee amendment which was adopted, were offered on this subject. One—the Findley $20,000 amendment—was rejected by a teller vote of 134 ayes to 161 noes. The rest were rejected by voice vote. On September 15 when the farm bill was first considered in the Senate an amendment proposed by the Senator from Illinois, Mr. SMITH, providing for a $20,000 limitation was rejected by a vote of 21 yeas to 44 nays. The provision in the conference report for a limitation of $55,000 per person per crop of wheat, feed grains, or cotton has been approved by the administration, the appropriate committees of the House and Senate, both Houses of Congress, and the conferees. The conference report should be approved so that it can become law.

There were no serious questions with respect to title II, the dairy provision. We have had authority for class I base plans since 1965, and one area has now had a marketing order providing for such a plan for some time. That authority expires at the end of this year. It should be extended and certain improvements which have been found necessary should be made. The only significant difference between the House and Senate with respect to such extension was that the House provided for a 3-year extension while the Senate would have made the authority permanent. The conference substitute provides for a 3-year extension, but permits an order issued prior to the end of such 3 years to remain in effect until the end of 3 additional years.

Both bills provided more flexibility for dairy price support operations—by repealing the mandatory butterfat support provision—and extended the Armed Forces milk program and the milk indemnity program. The Senate amendment, in addition, extended the indemnity program to processors, and the conference substitute adopts this provision but limits it to losses occurring after enactment of the bill.

There is no controversy as to title III, which extends the wool program with an amendment fixing the support price at 72 cents for shorn wool and 80.2 cents for mohair. This is an important program and it should be extended.

There were a number of differences in the wheat titles of the two versions and some of these differences were very controversial. Among the more controversial, the Senate provision—

First, extended the 1965 act program for 1 year, and gave wheat producers the opportunity to vote for its extension to 1972 and 1973; and

Second, provided a minimum loan of $1.25 and a maximum set-aside of 75 percent of the farm domestic allotment.

The conference substitute does not extend the 1965 act, nor does it permit its extension as the result of a referendum. The set-aside program would be effective for all 3 years, 1971–73, as provided by the House bill, but with a minimum loan of $1.25 as provided by the Senate amendment. The maximum set-aside would be 13.3 million acres in 1971 and 15 million acres in 1972 and 1973—on the basis of estimated participation and allowing for reduced set-aside requirements for farmers in summer-fallow areas.

The following provisions of the Senate amendment were dropped in conference:

First, a provision requiring loans on farm-stored wheat and providing for mandatory extension of such loans;

Second, a provision increasing payments to small, low-income wheat farmers;

Third, a provision requiring advance payments within 60 days of signup;

Fourth, a provision requiring persons processing flour second clears, gluten, or other wheat products to obtain marketing certificates in certain circumstances; and

Fifth, a provision extending the 1973 wheat program authority to the 1974 crop in the absence of further legislation before planting of the 1974 fall seeded crop.

In dropping the provisions with respect to farm-stored loans and flour second clears, the conferees noted that the Department can take care of these matters administratively. The Department assured the conferees that loans would be available, and would be extended, for farm-stored wheat in accordance with past policy. The conferees expect the Administration to take prompt and appropriate action to resolve the situation with respect to the flour second clears.

The principal point of controversy in the case of feed grains was the Senate provision preserving the parity concept. As passed by the House, the target price to be used in determining the payment rate was $1.35 per bushel for corn. The Senate made the target $1.35 or 75 percent of parity, whichever is greater. The conference substitute makes it $1.35 or 70 percent of parity, whichever is greater; but total payments in 1973 cannot exceed total payments in 1972 by reason of the target being above 68 percent of parity. The conferees further agreed to a direction in the Statement of Managers on the Part of the House directing the Secretary to make every effort to maintain the market price for corn at a level which will not require a payment in excess of 32 cents whenever 70 percent of parity exceeds $1.35.

The conferees agreed to Senate provisions for a minimum loan for corn of $1.00 per bushel, and for commensurate reduction of the 32 cent preliminary payment whenever the set-aside is reduced below 20 percent. They rejected Senate provisions for mandatory loans on farm-stored feed grains; mandatory inclusion of barley in the set-aside program; increases in payments to small, low-income producers; and malting barley exemptions.

Title VI, which deals with cotton, presented the most difficult problem faced by the conferees. The House conferees were adamant on most provisions of this title; and the Senate provisions dealing with marketing quotas, lease and sale of allotments, and the size of the national base acreage allotment have been omitted from the conference substitute. In lieu of the Senate marketing quota provisions the substitute provides that if the carryover for 1972 or 1973 exceeds 7.2 million bales, loans will not be available on cotton planted in excess of the farm base acreage allotment, and the Secretary may limit the amount of acreage planted in excess of such allotment. The House lease and sale provision was adopted with an amendment restricting leases and sales to farms having old farm allotments. The national base acreage allotment would, as provided by the House bill, be 11.5 million acres for 1971, and such acreage in 1972 and 1973 as the Secretary determines necessary to maintain adequate supplies, the payment rates for such subsequent years being adjusted inversely to the size of the national allotment.

As in the House bill, the payment rate would be based on the difference between the average market price and the target price, rather than the loan level and the target price as provided in the Senate bill. The parity concept was retained as provided by the Senate bill; and the loan level was based on the actual past average world market price as provided in the Senate version, rather than the estimated future world market price as provided by the House bill. The anniversary loan provision of the Senate amendment was adopted with a minor modification to limit the storage charges which could be accrued against the cotton when the Government took possession.

Under the House bill the maximum set-aside which could be required under the cotton program was one equal to 33⅓ percent of the farm base acreage allotment. The Senate provided for a maximum set-aside equal to 12½ percent of the farm acreage allotment. The conference substitute provides for a maximum set-aside equal to 28 percent of the farm base acreage allotment.

The Senate provision for research and promotion was adopted with an amendment providing authority for an additional $10 million for 1972 and 1973, to be deducted from producers' payments in excess of 15 cents per pound.

The conference substitute adopts the Senate provision for increased payments to small cotton farmers with amendments deleting the income standards; substituting 5,000 pounds for the 3,600 pounds small farm criterion provided by the Senate; and restricting the provision to producers who reside on the farm, derive their principal income from cotton produced on the farm, and actually produce the cotton for which the increased payment is made. This provision is applicable only to very poor farmers, and it will help to keep them from adding to our urban and welfare problems.

Title VII extends Public Law 480, which provides for the use of our agricultural abundance to aid our friends abroad. This, too, is an important program, one on which there is no real disagreement.

Title VIII contains miscellaneous provisions with respect to the cropland conversion program, boiled peanuts, beekeeper indemnities, harvesting and storage of hay from diverted acres for future emergencies, and Farmers Home Administration appropriations. There was some controversy concerning the scope of the cropland conversion program and a proposed farmer adjustment program, but otherwise this was not a controversial title. The House provision with respect to the scope of the cropland conversion program was adopted, and the Senate provision for a farmer adjustment program was omitted.

The Senate added a title IX dealing with rural development, and the substance of this title is incorporated in the conference substitute.

Mr. President, I ask unanimous consent that there be inserted in the RECORD at this point a comparison of H.R. 18456 as passed by the House, Senate amendment thereto, and conference substitute.

There being no objection, the comparison ordered to be printed in the RECORD, is as follows:

COMPARISON OF H.R. 18546 AS PASSED BY HOUSE, SENATE AMENDMENT THERETO, AND CONFERENCE SUBSTITUTE

1

House—provides for no change in legal status of producer-handlers.

Senate—requires Secretary to maintain past policy with respect to exempting producer-handlers.

Conference—*adopts* House provision. Statement of Managers will direct Secretary to maintain past policy.

2

House—extends Class I base plan authority 3 years.

Senate—makes Class I authority permanent.

Conference—adopts House provision, except that the authority would continue in effect until December 31, 1976 with respect to any Class I base plan order issued prior to December 31, 1973.

3

Senate—extends milk indemnity program to manufacturers of dairy products.

Conference—adopts Senate provision, but limits it to losses occurring after enactment of H.R. 18546.

4

House—makes wheat set-aside program applicable to 1971–1973 crops.

Senate—extends 1965 Act wheat program for 1971 (with additional provisions for $1.25 loan, farm-stored loan, and advance payments), and provides for referendum to determine whether such program or set-aside program shall apply to 1972 and 1973 crops.

Conference—makes wheat set-aside program applicable to 1971–1973 crops. Maximum set-aside for 1971 would be 13.3 million acres. Minimum allotment for 1971 would be 19.7 million acres.

5

Senate—provides for minimum wheat loan of $1.25 per bushel.

Conference—adopts Senate provision.

6

Senate—provides for mandatory loans on farm-stored wheat.

Conference—rejects Senate provision. Statement of Managers will state that Department has advised it will make such loans available.

7

Senate—increases face value of wheat marketing certificates by 30 percent for producers on farms with domestic allotments not over 160 acres and who had average annual sales of farm products of not more than $5,000 and off-farm earned income of not more than $2,000.

Conference—rejects Senate provision.

8

Senate—limits wheat set-aside to 75 percent of farm domestic allotment.

Conference—limits wheat set-aside to 13.3 million acres for 1971. 15 million acres for 1972 and 1973.

9

Senate—extends to 1973 Secretary's discretionary authority to impose acreage limitations on wheat.

Conference—adopts Senate provision.

10

House—language with respect to grazing and cropping of wheat and feed grain set-asides is more definite with respect to prohibiting grazing during the 5 principal growing months, but contains conflicting language with respect to payments and harvesting of crops.

Senate—language is more mandatory with respect to permission to graze sweet sorghums, but less clear with respect to grazing during the 5 principal growing months.

Conference—adopts House language with respect to prohibiting grazing during 5 principal growing months, Senate language with respect to other matters.

11

Senate—provides for advance payment of 50 percent of wheat and feed grain diversion payments within 60 days of signup.

Conference—rejects Senate provisions.

12

House—provides for (1) issuance as soon as practicable after July 1 of wheat marketing certificates having a preliminary face value equal to 75 percent of the estimated final face value, and (2) for a preliminary payment in the feed grain program as soon as practicable after July 1.

Senate—(1) provides for advance within 60 days of signup of an amount equal to 75 percent of estimated final face value, (2) makes it clear that the certificates do not have to be held by the producer in order to obtain the full final value, and (3) provides for preliminary feed grain payment within 60 days of signup.

Conference—adopts House substance, Senate clarifying item (2).

13

House—preserves history on wheat and cotton acreage not planted because of "a condition beyond the control of the producer".

Senate—preserves history on wheat and cotton acreage not planted because of "a quarantine imposed by the county, State, or Federal Government". In addition, Senate preserves history of cotton acreage not planted because of a payment limitation.

Conference—adopts House provision. Statement of Managers will make it clear that failure to plant acreage covered by payment limitation will not result in loss of history.

14

Senate—requires persons processing flour second clears, gluten or other products of wheat for which processing certificates have not been obtained in the commercial production of food products for human consumption to obtain such certificates.

Conference—rejects Senate provision. Statement of Managers will direct administration to take appropriate action.

15

Senate—extends 1973 wheat program to 1974 crop at discretion of Secretary if no new legislation is enacted in advance of the planting season for 1974 fall seeded wheat.

Conference—rejects Senate provision.

16

Senate—provides for minimum corn loan of $1.00 per bushel.

Conference—adopts Senate provision.

17

Senate—provides for mandatory loans on farm-stored feed grains.

Conference—rejects Senate provision. Statement of Managers will state that Department has advised that it will make such loans.

18

Senate—requires that barley be included in feed grain set-aside program.

Conference—rejects Senate provision, leaving inclusion of barley to discretion of Secretary.

19

Senate—sets corn target price for payment purposes at 75 percent of parity if that is above $1.35.

Conference—sets target at 70 percent if above $1.35, but total payments in 1973 could not exceed total payments in 1972 by reason of target being above 68 percent.

20

Senate—increases feed grain payments by 30 percent for producers on farms with feed grain base acreages not over 160 acres and who had average annual sales of farm products of not more than $5,000 and off-farm income of not more than $2,000.

Conference—rejects Senate provision.

21

Senate—preserves history of feed grain base not planted by producer who foregoes payments on unplanted acreage. (Same provision is in both House bill and Senate amendment for wheat at page 26, line 4.)

Conference—adopts Senate provision.

22

Senate—extends to 1973 crop Secretary's discretionary authority to impose acreage limitations on feed grains.

Conference—adopts Senate provision. Makes it clear that wheat may be substituted for barley, oats, and rye.

23

Senate—provides for malting barley exemption.

Conference—rejects Senate provision.

24

Senate—provides for proportionate reduction in preliminary (32 cent) feed grain payment if set-aside is less than 20 percent.

Conference—adopts Senate provision.

25

House—suspends cotton marketing quotas.

Senate—(1) continues marketing quotas, (2) reduces minimum national allotment to 14.5 million acres, to be apportioned on the basis of the base acreage apportionment, (3) authorizes Secretary to increase each farm allotment to permit planting of cotton on set-aside, (4) authorizes the Secretary to apportion additional acreage not exceeding 25 percent of the national acreage allotment to any producers who will produce cotton. Production from additional acreage under (3) and (4) would not qualify for price support loans.

Conference—suspends marketing quotas. If carryover for 1972 or 1973 exceeds 7.2 million bales, no loans would be available on the overplant, and Secretary would have discretion to limit overplant.

26

Senate—cotton base acreage allotment lease and sale provisions differ from House provision in that—

(1) Senate limits lease and sale to persons who are dependent on cotton for a livelihood and will produce cotton;

(2) Senate, like House, repeals referendum requirement for sale or lease across State line, but does not adopt House requirement that county committee of transferring county find absence of need in that county and approve transfer; and

(3) Senate retains the following provisions of existing law (not retained by House bill) which (A) give the Secretary discretion to permit transfers, (B) prohibit sale of allotment from a farm to which allotment has been sold during the preceding three years, (C) limit the total allotment of a farm buying or leasing allotment to its 1965 allotment plus one hundred acres, (D) prohibit planting an acreage in excess of the remaining allotment during the lease period on farms from which allotment is leased and for five years after sale on farms from which allotment is sold, and (E) limit recording of transfers with the county committee to the period June 1–December 31.

Conference—adopts House provision with an amendment limiting sales and leases to transferees who are old cotton producers.

27

House—provides national cotton base acreage allotment of 11.5 million acres in 1971, amount determined necessary by Secretary to maintain adequate supplies for 1972 and 1973.

Senate—provides minimum national cotton base acreage allotment for all three years of 14.5 million acres, minus percentage thereof equal to set-aside percentage.

Conference—adopts House provision.

28

House—provides cotton loan level to reflect for middle one-inch (micronaire 3.5 through 4.9) 90 percent of the estimated world price.

Senate—provides cotton loan level to reflect for middling one-inch (no micronaire specification) 90 percent of average world price for such cotton for the 2 year period ending July 31 prior to the year in which the cotton is produced, except that adjustment may be required to keep U.S. cotton competitive. Senate requires publication of procedures used in determining world price and requires loan level to be announced not later than November 1 of year preceding year of production.

In addition, Senate requires loan to be for a term of 1 year (anniversary date type loan).

Conference—adopts Senate provision with House language re micronaire. Provides for a loan term of 10 months, and there must not be more than 60 days accrued charges at time of loan.

29

House—provides for cotton payments at a rate equal to the difference between the market price and 35 cents per pound, the rates for 1972 and 1973 being adjusted to compensate for any increase or decrease in the national base acreage allotment above or below that for 1971.

Senate—provides for cotton payments for all three years equal to the difference between the loan level and the greater of 35 cents or 65 percent of parity.

Conference—adopts House provision with an amendment to include 65 percent of parity as an alternative target.

30

Senate—provides 30 percent increase in payment rate for producer on a farm with an allotment not in excess of 10 acres (or 3,600 pounds) and with average annual sales of farm products not exceeding $5,000 and off-farm earned income not exceeding $2,000.

Conference—provides 30 percent increase in payment rate for producer on a farm with an allotment not in excess of 10 acres (or 5,000 pounds) if producer resides on the farm, derives his principal income from cotton produced on the farm, and actually produces the cotton on which the increase is paid.

31

House—provides for cotton payments based on the average yield of the acreage planted to upland cotton during the 3 preceding years adjusted for abnormal yields caused by natural disaster.

Senate—provides same, except that—

(1) Senate uses harvested acre yields,

(2) Senate substitutes 1970 farm projected yield for actual yields in 1968 and 1969, since actual yield figures are not available, and

(3) Senate provides that for any year the average yield established for any year shall not be less than that used in making payments for the preceding year if the total production in such preceding year is not less than the yield used in making payments for such preceding year multiplied by the farm base acreage allotment for such preceding year (for 1970, the farm domestic allotment). This would permit a farmer to cultivate a larger acreage less intensively with-

out reducing the yield used in making payments.

Conference—adopts Senate provision.

32

House—provides maximum cotton set-aside equal to 33⅓ percent of farm base acreage allotment.

Senate—provides maximum cotton set-aside equal to 12½ percent of farm acreage allotment.

Conference—provides maximum cotton set-aside equal to 28 percent of farm base acreage allotment.

33

Senate—authorizes a voluntary diversion program for cotton.

Conference—adopts Senate provision.

34

House—provides for minimum CCC cotton resale price of not less than 110 percent of loan rate for middling one-inch (micronaire 3.5 through 4.9) adjusted for appropriate value factors, plus reasonable carrying charges.

House provision is effective only for August 1, 1971 through July 31, 1974.

Senate—provides for minimum CCC cotton resale price of not less than 110 percent of the loan rate plus an allowance for carrying charges which will reflect commercial rates and interest at the prevailing rate charged by CCC on cotton loans. Senate provision would be permanent.

Conference—adopts House provision.

35

Senate—provides for a cotton research and promotion program financed by up to $10 million of funds which would have been paid to producers but for the payment limitation

Conference—adopts Senate provision and provides for an additional $10 million to be deducted from producers' payments in excess of 15 cents per pound.

36

Senate—authorizes participation of alcoholic beverage industry in market promotion under P.L. 480.

Conference—rejects Senate provision.

37

Senate—increases the amount of foreign currencies earmarked for educational and cultural exchange from 2 percent to 5 percent of total annual sales; and permits use of foreign currencies for such purpose without appropriation.

Conference—rejects Senate provision. Retains 2 percent earmark and provides for appropriation of foreign currencies, rather than dollars, for educational and cultural exchange.

38

Senate—specifies that cropland conversion contracts must be for 3, 5, or 10 year periods, instead of up to 10 years.

Conference—rejects Senate provision.

39

House (A)—provides for additional payment if public access is permitted.

Senate—requires that in every contract producers agree to permit public access.

Conference—rejects Senate provision.

House (B)—provides for joint appointment and consultation of Advisory Board by Secretaries of Agriculture and Interior, and joint issuance of regulations.

Senate—provides for these functions being performed by the Secretary of Agriculture after consultation with the Secretary of the Interior.

Conference—adopts Senate provision.

40

Senate—restricts acreage in cropland conversion program to such as will not adversely affect the county or local community.

Conference—adopts Senate provision.

41

House—restricts Greenspan program to "cropland".

Senate—restricts it to "productive agricultural land".

Conference—rejects Senate provision.

42

House—restricts Greenspan program to rural areas, defining rural areas as areas not including a town of 5,500.

Conference—adopts House provision except for defining rural areas.

43

House—restricts Greenspan to contracts costing not more than contracts with producers.

Conference—adopts House provision.

44

Senate—provides for sharing costs with other Federal agencies.

Conference—adopts Senate provision.

45

House—increases the limit on total payments in any year under section 16(e) from $10 million to $50 million for producers and $40 million for State and local agencies (During each of the fiscal years 1971, 1972, and 1973, and during the first six months of fiscal 1974, the Secretary could enter into agreements (A) with producers calling for annual payments of $10 million, plus unused authority from prior years, or a total of $50 million, and (B) with State and local agencies calling for annual payments of $10 million, plus unusued authority from prior years.)

Senate—authorizes agreements entered into during 1971, 1972 and 1973 to cover up to 18 million acres at the rate of 6 million acres per year, plus carryover of unused authority from prior year.

Conference—adopts House provision.

46

Senate—authorizes use of CCC funds until June 30, 1972, to carry out the cropland conversion program.

Conference—adopts Senate provision.

47

Senate—requires Secretary under the cropland conversion program to safeguard the farming opportunities of tenants and sharecroppers.

Conference—adopts Senate provision.

48

House—extends boiled peanut exemption 3 years.

Senate—extends boiled peanut exemption permanently.

Conference—adopts Senate provision.

49

House—provides for a beekeeper indemnity program.

Conference—adopts House provision.

50

Senate—permits producer to plant and harvest forage from wheat, feed grain, and cotton set-aside or diversion and store for future emergency periods declared by the Secretary. Secretary may make loans for forage storage facilities.

Conference—limits provision to baled hay.

51

Senate—authorizes a farmer adjustment program under which Secretary may purchase allotments for cash from, and make $2,500 in adjustment payments to, a farmer who has average annual sales of farm products of $5,000 or less and off-farm earned income of $2,000 or less.

Conference—omits this provision.

52

Senate—amends Consolidated Farmers Home Administration Act of 1961 to provide that funds appropriated for section 306 (association loans and grants), and for direct real estate loans to farmers and ranchers under subtitle A shall remain available until expended. Senate also provides that unused authorizations for appropriations under section 306 shall carry over from year to year.

Conference—adopts Senate provision.

53

Senate—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.

Conference—adopts Senate provision in principle.

October 9, 1970

Mr. HOLLAND. Mr. President, I wish to emphasize two points. First, the question of limitation of payments has torn apart the agricultural community and Congress, and alienated the urban people of our Nation for some years. Those limitations have been worked out in this bill. In my prepared remarks I showed the votes in the House and in the Senate.

In the Senate we rejected an amendment which would have reduced the $55,000 figure for commodities which we have in this bill to $20,000, and we voted it down by more than 2 to 1 when we passed on that matter.

That limitation of $55,000 for the commodities in this bill has been agreed upon by vote in both Houses and in the conference report it has been agreed upon by the House. I would hesitate very much, indeed, to see us plunge that matter back into discussion because it is a highly controversial subject.

The second thing I wish to say is that in my judgment it would be a disaster all the way around for us to have no bill and to revert to the 1958 legislation. Senators other than I have mentioned what would happen in feed grains and wheat. I want to mention the cotton situation.

If we revert to the 1958 situation we would at once begin building up the hurtful surpluses which were created under that particular legislation, and what is more we would again price ourselves out of international markets and bring about a situation under which the farm program would receive the hostility, and rightfully so, of the urban population and others not familiar with agricultural conditions.

Particularly for these two reasons, the fact that the limitations question will be put at rest and a trial will be made under this legislation for 3 years in which time we can see how well it works; and for the reason that, in my judgment, the 1958 law, if we return to it, would bring very bad conditions to the wheat people, to the feed grain people, and particularly to the cotton people, I am hopeful that this conference report can be approved as it is.

Mr. JORDAN of North Carolina. Mr. President, first I wish to commend the conferees for coming out of this conference with as good a report as they did. I am a member of the Committee on Agriculture and Forestry and I know the hours and hours and days and days the Committee on Agriculture spent trying to work out a bill.

We know in our own minds that we

had a better bill than the House had. We went to conference with it. Some of the things in our bill were not sustained. It is disheartening. I know the conferees were not happy with it and I understand why. They did the best they could and they came out with scars as a result of what happened with respect to the bill.

During the time we were at home in the past month I made it a point to visit the farm organizations. I spoke to the grange at their annual meeting. I found that our people were not particularly happy with the bill, but they were not unhappy with it. They said they would have preferred the Senate version. But they are anxious to get a farm bill as quickly as they can. Their idea was to support the conference report and get a bill. They say they can live with it and they are anxious that we get a farm bill quickly so they will know what they are going to do.

Mr. AIKEN. Mr. President, the arguments for and against approval of the conference report have been well made. I think those who are in favor of approving the report have had the best of the argument. I hate to think of what would happen to agriculture in this country if the report should be rejected. I hope it will be approved.

Mr. MANSFIELD. Mr. President, because of the fact that a time limitation has been agreed to I will keep my remarks short.

Soon after the election, Jim Stephens of Dutton, Mont., Bob Brastrup of Great Falls, Charles Smith, of Chester, Joe A. Renders, of Great Falls, Jack Gunderson, of Power Montana and others, came back to Washington seeking to find a solution for the adjustment to Montana's conservancy base in agriculture—that is nonplanted acres. The Governor of Montana also wrote to me as well as the State Department of Agriculture and many interested Montana farmers and ranchers.

While here in Washington, these gentlemen met with officials at the Department of Agriculture but received no satisfaction as a result. It was hoped that some assurances would be obtainable prior to the vote on the conference report, but this could not be given to the above named Montanans who sought such assurances.

The pending bill, in their judgment, provides no production restraints. It is thought that within the conference report is the possibility of a staggering overproduction of grain crops in the next 3 or 4 years. The present conservancy base adjustment for all other Western States except Montana will be one of the principal contributors to this problem.

I have also received a letter from an old friend, Jim Stephens, who reiterated the group's desire to get the Montana grain farmers on an equitable basis in "this business of producing grain."

I am also in receipt of a letter from Mr. Robert Brastrup, executive secretary of the Montana Wheat Research & Marketing Committee and I ask unanimous consent that it and a reply from J. A. Asleson be incorporated at this point in the RECORD and also a letter from the honorable Jack Gunderson as well as a letter which I sent to Secretary of Agriculture, Clifford M. Hardin on November 14 along with some enclosures and the reply I received from Mr. Hardin on November 18, 1970.

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

MONTANA WHEAT RESEARCH &
MARKETING COMMITTEE,
Great Falls, Mont., November 16, 1970.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: Enclosed is a statistical report that is a correction of the original material which you received concerning conserving base acres. You will notice that the percentages in the right hand column are changed slightly. This is a downward adjustment in most cases due to our access to correct figures.

Also enclosed is a letter from the Director of the Agricultural Experiment Station at MSU, Dr. J. A. Asleson. He indicates that the Experiment Station is recognizing the alternate crop fallow method of production may not be the best for Montana in the long run. We are sorry we did not have this information when we visited with you last week.

Thank you for your efforts. We are sure that they will show results.

Yours very truly,

ROBERT BRASTRUP,
Executive Secretary.

MONTANA STATE UNIVERSITY,
COLLEGE OF AGRICULTURE,
Bozeman, Mont., November 6, 1970.

Mr. ROBERT BRASTRUP,
Executive Secretary,
Research and Marketing Committee,
Great Falls, Mont.

DEAR BOB: A question has been raised as to the need for a downward adjustment of Montana's conserving acreage base. The method of alternate crop-fallow production widely used in Montana results in about half of the grain land not being cropped each year. There is some feeling that there is no alternative to the crop-fallow system, therefore the high conserving base creates no real hardship. I should like to reply to this argument using research results of the Montana Agricultural Experiment Station.

Long-term research has shown that yields for two years from continuously cropped land are usually 25–75% greater than the single yield in two years from alternate crop-fallow land. Cost of production could be reduced by adopting systems of continuous or intermittent cropping in lieu of the crop-fallow system in much of Montana, especially areas having over 14 inches of precipitation, or with highly desirable precipitation patterns.

Research has provided improved weed control, production practices, fertilizer usage and improved varieties. When these are combined with adequate production credit many of the benefits attributed to alternate crop-fallow production disappear. Consequently, I feel that many Montana farmers would discard or modify this system if the crop acreage restrictions favoring high yields per planted acre did not act as a retardant to change.

Another important area in this discussion of method of grain production relates to quality of environment, especially in regards to air and water quality. Summer fallowed surfaces are subject to the onset of wind and water erosion. Eroded soil and attached materials become contaminants of both the air and surface water. Snow is not effectively trapped by fallow ground and blows into coulees and other areas where spring runoff may be both wasteful and damaging.

About 80% to 90% of annual precipitation is lost during the fallow year and is not available for plant growth in the succeeding year. Large amounts of water run off the soil surface. Additional moisture is lost by surface evaporation. When water intake is above the water holding capacity of the soil there may be downward movement of water removing soluble materials, including plant nutrients, from the soil. The dissolved materials may move into the ground water supply and become contaminants. This water may move laterally and eventually come to the surface, forming salt spots and ruining valuable land and vegetation. Some 56,000 acres of wet and saline land have become unfit to produce crops in Montana, presumably from this situation. Some 1.8 million acres of land are collecting moisture and contributing to this situation. Contaminated water not coming to the surface may remain in the system with its potential for human, industrial, animal or plant use greatly restricted.

These comments, based on research results and observations, cast doubt on the desirability of leaving large acreages of land in fallow, a practice which is favored by conserving acreage base regulations and other regulations of the farm program.

Very truly yours,

J. A. ASLESON,
Director.

FARM PROGRAM COMPARISON—MONTANA AND COMPETING WHEAT STATES

State	1970 cropland	1970 conserving base	1971 wheat allotment	1971 domestic (45 percent)	1971 set-aside (75 percent)	Conserving base plus set-aside	Free acreage available to plant 1971	Acres to plant as percentage of total cropland
Kansas	29,867,000	5,870,000	8,279,804	3,725,912	2,794,434	8,664,434	21,202,566	70.9
North Dakota	27,235,000	6,412,000	5,710,319	2,569,644	1,927,233	8,339,233	18,895,767	69.3
Oklahoma	[1]12,887,000	1,864,000	3,814,596	1,716,568	1,287,426	3,151,426	9,735,574	75.5
Montana	14,902,000	6,797,000	3,054,998	1,374,749	1,031,601	7,828,061	7,073,939	47.4
Nebraska	20,476,000	3,657,000	2,448,134	1,101,660	826,245	4,483,245	15,992,755	78.1
Texas	35,152,000	2,866,000	3,160,122	1,422,055	1,066,541	3,932,541	31,219,459	88.8
Idaho	5,720,000	1,817,000	922,645	415,190	311,392	2,128,392	3,591,608	62.8
South Dakota	17,725,000	3,364,000	2,143,388	964,525	723,393	4,087,393	13,637,607	76.9
Colorado	10,598,000	3,046,000	2,003,366	901,515	676,136	3,722,136	6,875,864	64.8
Minnesota	22,039,000	3,370,000	778,045	350,120	262,590	3,632,590	18,406,410	83.5

[1] 1969 cropland figure for Oklahoma, 1970 figure not available.

NOTES

If Montana had 74.5 percent of its total cropland available, which is the average of its 9 competing States, we would have 11,101,990 acres free to plant in 1971 instead of the 7,073,939-acre total.

1970 cropland and conserving base figures and 1971 wheat allotments were obtained from the U.S. Department of Agriculture. Domestic allotments computed at 45 percent of total allotment because national domestic figure of 19,700,000 acres is 45 percent of national allotment

1971 set-aside is computed at 75 percent although the law specifies 13,300,000 acres as maximum set-aside in 1971 program and that is 67½ percent of 19,700,000 acres set as national domestic allotment, the USDA is using 75 percent to allow for noncompliers.

MONTANA STATE HOUSE
OF REPRESENTATIVES,
Helena, Mont.

Senator MIKE MANSFIELD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MANSFIELD: I am sorry I did not have a chance to visit with you while I was in Washington, D.C. Our delegation was very short on time and we thank your staff for the help they gave us while we were there.

I had to leave Washington, D.C. early Wednesday to attend a Health Occupation Conference in Salt Lake City. I, therefor, asked the other members of our delegation to express my thoughts to your staff about the soil conserving acreage problem in Montana and about the farm bill in general.

I believe we presented a very good case to the Department of Agriculture about the unequal competitive position that Montana is in in relation to other wheat states because of the inequities in soil conserving adjustments. Regardless of whether these adjustments are right or wrong, in other states, we will not be able to compete with them, if they are able to raise 3 acres of wheat for only 2 that we can raise.

The Dept. personnel did not dispute the figures we presented, except for 67½% we used to establish the set aside acreage. We should have used 75% because some farmers will not stay in the program. Therefor, the percentage of crop land to plant is less than we show for all of the states we used. They also refused to release the figures for the states, that we did not have, so we could compare them to Montana.

I am sure the Dept. of Agriculture will not, administratively, take action to relieve the situation in Montana, unless pressure can be brought on them, which I hope you can do. Regardless of the outcome of farm legislation, we must do something with the soil conserving acreage in Montana, if we are to possibly compete economically with other states.

The farm bill, in general, is still bad for all producers because of the lack of mandatory production controls that the Secretary of Agriculture must use. This may not be crucial the coming crop year, because the winter wheat crop is seeded and not too much additional acreage can be seeded in the spring wheat states. The following year, though, it could lead to the biggest wheat glut in history. The Secretary is given the authority to impose controls, but he has stated he did not want them and he would not use them.

I therefor believe, the bill should be delayed or killed entirely until the next session of congress. I realize that passage of farm legislation is extremely difficult, but if this bill passes it will be harder to do so in the future, because farmers will be facing bankruptcy and taxpayer costs will raise out of reason.

Dr. Walter Wilcox, of the Legislative Reference Service, has estimated that 15 to 20 million additional acreas of wheat production will result under the set aside program and the cost to the government will increase 1 billion dollars. This will lead to the biggest glut of wheat in history and lead to the end of all farm programing.

Senator Mansfield, I know you stated that the farm bill would be passed as soon as Congress reconvened. I believe you could reconsider your position because of information that we and others have developed durin gthe recess. Many Montana farmers are very concerned and I am sure that you will have their full support. The Secretary of Agriculture has almost unlimited authority, under the bill, and I can not understand why he does not announce program decisions before the bill passes, so we know where we are at.

I know that you are as concerned about this as I, and that you will do everything you can to better the situation.

Sincerely yours,

JACK GUNDERSON.

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, D.C., November 14, 1970.

Hon. CLIFFORD M. HARDIN,
Secretary of Agriculture,
Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: The attached statement and figures indicating Montana's position in ranking with other grain producing states have recently been brought to my attention. I find the content of the enclosures to be a distinct indication of blatant and unjust discrimination, affecting not only Montana's individual grain producers, but Montana's continued economic growth and viability as a major agricultural state.

Montanans must be given an equal opportunity in the harshly competitive enterprise of producing, transporting and marketing grain products. The conserving base plays a vital part in the set-aside program embodied in the present proposed farm legislation which will be before the Senate in the immediate future. As provided, the total of conserving base acres serves as an upper limit on acres available for crop production. Within the past three weeks, individual farmers, farm organizations, the Montana Department of Agriculture and the Wheat Research and Marketing Committee have determined the following information:

Montana's conserving base represented 45.6 percent of its total cropland, compared to an average of 19.8 percent for competing states, and approximately 22 percent for the nation.

In the five year history of conserving bases, competing states have had downward adjustments averaging 25.5 percent in such acreage, but Montana has had only 11.4 percent reduction.

As the new farm program couples conserving base with a compulsory set-aside, competing states will have an average of 75 percent of their total cropland available to plant to wheat (or other crops), while Montana will be limited to 48 percent.

I think it imperative that it be clearly understood that Montanans are not seeking a competitive advantage. What they are asking is an equal opportunity to utilize Montana's land resources. At best, economically feasible crops are limited. Montana must remain competitive in wheat terms if the State's agriculture and economy are to grow and prosper.

It would be my hope that I need not elaborate at this time upon the absolute necessity for a firm and forthright commitment from the Department of Agriculture that an equitable adjustment will be made, bringing Montana into line with other states. I would sincerely appreciate being appraised of your decision within the next 48 to 72 hours. I am, of course, appreciative of your attention to this matter and regret that conditions are such as to require a response within the indicated time period.

Thanking you, and with best personal wishes, I am

Sincerely yours,

MIKE MANSFIELD,
Majority Leader, U.S. Senate.

GENERAL COMMENTS RELEVANT TO ATTACHED DATA ON CONSERVING BASE—FARM PROGRAM

Agriculture's importance to Montana's economy needs no verification and wheat income in relation to over-all agricultural economics is also well understood.

What seems to escape us frequently in Montana is the need to protect ourselves as a wheat state in the harshly competitive game of producing, transporting and marketing wheat in relation to other states producing similar classes of wheat.

The accompanying statistical information on conserving bases and projected effect of the new national farm legislation tell a gloomy story of Montana's competitive status.

Farmers and farm organizations are loosely knit and lack the expertise and resources on a continuing basis to keep our state as a whole in the proper competitive perspective.

Our reliance then—properly or improperly—falls upon the governmental, semi-governmental and quasi-governmental bodies and the agricultural establishment at Montana State University to take stock of the over-all picture for wheat growers and keep Montana in the first rank competitively.

Montana's wheat farmers find themselves in dire need of that type of guidance, assistance and direction in the problems herein revealed regarding conserving bases and the new farm program.

Several significant aspects of this development are not related in the accompanying statistical tables:

(1) After the inequities in conserving bases were brought to public attention in late 1969 and early 1970 by the Montana Grain Growers Association, a seven-county group at Chester, and others across the state, indication was given by the U.S. Dept. of Agriculture that an adjustment of 12 per cent, or 850,000 acres, was possible; the Montana ASCS later in making the adjustment indicated it would be 7 per cent, or 500,000 acres; but the *actual* adjustment (never reported publicly) was 5 per cent, or 366,600 acres!

Also, while it was indicated this was an individual state adjustment to correct an acknowledged inequity in Montana, Kansas received a 9 per cent adjustment (576,300 acres) and Colorado received an 18 per cent adjustment (679,800 acres). These adjustments were made despite the fact Montana's conserving base at that time was 49 per cent of its cropland compared to 22 per cent for Kansas and 35 per cent for Colorado.

(2) The problems of blowing top-soil and alkalinity in connection with double-summerfallow are widely known, yet under the projected terms of the new farm program Montana will have 547,912 acres in the double-summerfallow category in 1971 and even more in 1972 and 1973 when setaside acreages increase.

The terms of the new farm program tend to lock Montana in as a summer fallow state, writing a farming practice into law, so to speak. This comes at a time when many of our farmers are getting away from the practice, plant and soil scientists are increasingly advising against it, and the trend is definitely away from summerfallow rather than hard and fast acceptance. Montana's farmers at least deserve the farm program opportunity to make their own choice.

(3) The only "saving" factor, if there is one, in the new farm program for Montana growers lies in the fact that winter wheat growers are limited to the planting determinations they already have made for next year, while spring wheat states, under set-aside, will be able to increase acreage in vast amounts the coming crop year (Montana, North and South Dakota, Minnesota).

(4) Perhaps any adjustments in conserving bases should be mandatory with each grower being notified of the change in his acreage rather than basing such changes on individual farmer requests. It would appear such an approach would result in greater equity among the farmers within a community, county, and state.

In summary, what the Montana grain grower wants and is requesting is not an ad-

vantage but an equal opportunity to sustain his livelihood as a producer the same as his colleagues in the other wheat states.

The choices in Montana are not great—either our growers stay competitive in wheat and barley or they face an extremely dismal future.

It is interesting to note, in that regard, that the new farm program permits (with the Secretary's authorization) the growing of wheat to retain cotton acreage history—is there equity in therefore permitting Montanans to grow cotton to retain wheat history when the glut comes and that crop is no longer saleable?

CONSERVING BASE AND CROPLAND RATIOS, A COMPARISON 1966-70—MONTANA AND COMPETING WHEAT STATES

State	Conserving bases			Cropland 1970	1970 conserving base as percent of cropland	Conserving base change 1966-70		Adjustment downward in last 5 years (percent)
	1966	1969	1970			Acres	Percent	
Kansas	7,486.4	6,446.3	5,870	29,867	19.6	1,616.4	78.4	21.6
North Dakota	7,982.4	6,643.4	6,412	27,235	23.5	1,570.4	80.3	19.7
Oklahoma	2,532.0	1,891.9	1,864	[1] 12,887	14.0	668.0	73.6	26.4
Montana	7,673.5	7,163.6	6,797	14,902	45.6	876.5	88.6	11.4
Nebraska	4,527.4	3,952.0	3,657	20,476	17.9	870.4	80.8	19.2
Texas	4,663.7	2,869.0	2,866	35,152	8.2	1,797.7	61.5	38.5
Idaho	2,490.3	1,893.8	1,817	5,720	31.8	673.3	73.0	27.0
South Dakota	4,155.0	3,397.7	3,364	17,725	19.0	791.0	81.0	19.0
Colorado	4,592.3	3,725.8	3,046	10,598	28.7	1,546.3	66.3	33.7
Minnesota	4,456.9	3,237.6	3,370	22,039	15.3	1,086.9	75.6	24.4

[1] 1969 cropland figure for Oklahoma, 1970 figure not available.

NOTES

If Montana had 19.8 percent of its total cropland in conserving base, which is the average of its 9 competing States, we would have 2,950,596 acres in conserving base instead of 6,797,000 acres.

If Montana had received the 25.5 percent downward adjustment in conserving base, which has been the average of its 9 competing States, we would have received a 1,957,253-acre adjustment in the last 5 years instead of 876,500 acres. Montana's conserving base then would be 5,718,247 acres instead of 6,797,000 acres. The conserving base in Montana, with such an adjustment, still would be 38 percent of the total cropland—highest of all the 10 wheat States in this comparison and double the average of the other 9.

FARM PROGRAM COMPARISON—MONTANA AND COMPETING WHEAT STATES

State	1970 cropland	1970 conserving base	1971 wheat allotment	1971 domestic (45 percent)	1971 set-aside (67½ percent)	Conserving base plus set-aside	Free acreage available to plant 1971	Acres to plant as percentage of total cropland
Kansas	29,867,000	5,870,000	8,279,804	3,725,912	2,514,991	8,384,991	21,482,009	72.0
North Dakota	27,235,000	6,412,000	5,710,319	2,569,644	1,734,510	8,146,510	19,088,490	70.0
Oklahoma	[1] 12,887,000	1,864,000	3,814,596	1,716,568	1,158,683	3,022,683	9,864,317	76.5
Montana	14,902,000	6,797,000	3,054,998	1,374,749	927,956	7,724,956	7,177,044	48.0
Nebraska	20,476,000	3,657,000	2,448,134	1,101,660	743,621	4,400,621	16,075,379	78.5
Texas	35,152,000	2,866,000	3,160,122	1,422,055	959,887	3,825,887	31,326,113	89.0
Idaho	5,720,000	1,817,000	922,645	415,190	280,253	2,097,253	3,622,747	63.0
South Dakota	17,725,000	3,364,000	2,143,388	964,525	651,054	4,015,054	13,709,946	77.0
Colorado	10,598,000	3,046,000	2,003,366	901,515	608,523	3,654,523	6,943,477	65.5
Minnesota	22,039,000	3,370,000	778,045	350,120	236,331	3,606,331	18,432,669	83.5

[1] 1969 cropland figure for Oklahoma 1970 figure not available.

NOTES

If Montana had 75 percent of its total cropland available, which is the average of its 9 competing States, we would have 11,176,500 acres free to plant in 1971 instead of the 7,177,044 acre total.

1970 cropland and conserving base figures and 1971 wheat allotments were obtained from the U.S. Department of Agriculture. Domestic allotments computed at 45 percent of total allotment because national domestic figure of 19,700,000 acres is 45 percent of national allotment.

1971 set-aside is computed at 67½ percent because law specifies 13,300,000 acres as maximum set-aside in 1971 program and that is 67½ percent of 19,700,000 acres set as national domestic allotment.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., November 18, 1970.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: This is in response to your letter of November 14 together with enclosures, regarding the conserving bases established for Montana farms.

During 1970, we have reduced conserving bases on Montana farms by a total of 370,000 acres.

The proposed farm bill includes a provision which should be of substantial benefit to Montana farmers. Under the provision which limits the set-aside requirement on farms having 55% of the cropland devoted to summer fallow, Montana farmers would benefit by up to an estimated 250,000 acres.

Over the past several months we have reviewed administrative regulations under prior programs with regard to establishing and adjusting farm conserving bases. As a result of this review, we could not find that such administrative regulations were discriminatory with regard to any State or any county. The provision for adjustment of farm conserving bases under past programs provided a uniform authority to all county committees for making adjustments in farm conserving base under a specified set of guidelines. Every effort was made by our national and field offices to assure uniform interpretation of the adjustment provisions.

A comparison of the ratio of conserving base to cropland of one State to another would not appear to be valid because of the varied types of farming operations which are normally carried out in widely separated as well as in adjoining States due to varying climatic and rainfall conditions. Even adjoining counties cannot be compared equitably because of varying types of soil and topography. Conserving bases were initially established on an historical basis. This history reflected the varied farming operations being followed throughout the nation. It would appear to be inequitable to provide for a blanket downward adjustment in the conserving bases for all farms in the State of Montana, or any State without regard to the farming operations being followed by each individual producer. Not only would this be inequitable to producers in other States, but in the event that new farm legislation is enacted into law such action on our part would appear to be inconsistent with the intent of Congress and the objectives of the farm bill.

As soon as the farm bill is enacted into law, we plan on issuing administrative regulations which would continue the authority to make adjustments in conserving bases on individual farms.

Thank you for bringing this matter to our attention and for giving us the opportunity to comment on the conserving base provision of past and future program.

Sincerely,

CLIFFORD M. HARDIN,
Secretary.

Mr. ELLENDER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PASTORE. Mr. President, I wish to ask two questions of the manager of the conference report. The first question is: In the event this conference report is not approved is there a likelihood we will have no agriculture bill at all this session?

Mr. HOLLAND. That is my deep conviction.

Mr. PASTORE. Second, if we do not have a bill this session, do we revert to the 1958 law?

Mr. HOLLAND. We do.

Mr. PASTORE. Will that bring us back to the two-price system?

Mr. HOLLAND. It will and, in addition, start building up the heavy surpluses of cotton that we had under the 1958 bill, at least in my judgment, and destroying our chance to have any part in the world market.

Mr. SPONG. Mr. President, it is with reluctance that I intend to support the conference report on the Agricultural Act of 1970. I am fully cognizant of the plight of our agricultural economy, and am fearful that the report before us will do little to improve farm income.

However, if no legislation is enacted, the cotton program will revert to the permanent 1958 law, with its provisions for two-price cotton. This would greatly stimulate exports of cotton textiles to the United States and very seriously complicate that problem. As a result of the noncompetitive price for cotton and the increased imports, farmers would be

hurt financially and domestic cotton mills would suffer economic injury resulting in the loss of many jobs for textile workers. Obviously, the only reasonable course is to adopt the conference report on the farm bill which would extend competitive one-price cotton for 3 years.

Mr. EAGLETON. Mr. President, with parity now at its lowest level in the past 37 years—70 percent—it is astounding that the administration would be asking the Congress for authority to further reduce farm prices and farm income levels. Yet, that is just exactly what they are doing in the farm program before us as H.R. 18546.

Never before in the history of farm legislation has an administration demanded such broad authorities for setting price support and production control levels for farm commodities. Under H.R. 18546, the Secretary would have, in effect, a signed blank check to fill in as he sees fit. The esteemed chairman of the Senate Committee on Agriculture and Forestry, Senator ELLENDER, has aptly labeled it a "legislative monstrosity."

As a presidential candidate in September 1968 Richard Nixon called 74 percent of parity "intolerable" for farmers. "Farmers are entitled to better," candidate Nixon proclaimed, "and I pledge that in my administration they will have better." If this bill is passed, we can only pray that the administration will use its broad authority to make good on its promises.

H.R. 18546 is not a good farm bill and without full and proper use of the authorities it would grant to the Secretary, it could be disastrous to farmers and the farm economy—the bulwark of our national economy. It will be especially disastrous to farmers in Missouri.

Mr. President, earlier in this debate my senior colleague (Mr. SYMINGTON) made an excellent and penetrating analysis of what he properly called this "incredible farm bill." I agree with Senator SYMINGTON that this bill "is certain to lower farm income."

Some argue that this bill is somewhat beter than the one we had in 1958. It may well be. But that is like saying leprosy is better than cancer.

All of the cosmetics in the world cannot make this bill look pretty. Therefore, Mr. President, I think we should return this bill to conference and come up with a bill that assists the farmers and the farm economy rather than adopt this bill which bludgeons the farmer and the farm economy.

Mr. PEARSON. Mr. President, I support the adoption of the farm bill conference report. The bill is not perfect. But killing the report and reverting to the old basic authority would definitely not be to the interest of wheat and food grain farmers. Their incomes would be significantly lower if we were to revert to the 1958 law.

The other alternative, to reject the conference report and seek to extend present law, is a questionable and hazardous move. There seems little likelihood that the House would agree to this. Moreover, it is simply not the case that wheat and feed grain farmers would be clearly better off under a 1-year's extension of the 1965 act. Indeed, there is evidence to the contrary.

The latest Department of Agriculture projections show that the gross incomes of wheat and feed grain farmers next year would be at least equal to and probably higher under the set-aside approach embodied in the conference report than under a simple 1-year extension of the present program.

For example, projected gross returns for Kansas wheat farmers are estimated to be $3 million per year higher under the set-aside than under an extension of the existing program. Department of Agriculture experts also predict that under the set-aside, returns to Kansas grain producers would be equal to or greater than under a 1-year extension.

I recognize that hard and fast predictions are not possible. Too many variables are involved. As a consequence there are varying and conflicting predictions of what the gross farm returns will be under the two approaches. But if one rejects both the high and low projections and splits the difference, it would appear that insofar as wheat and feed grains are concerned, results will likely be essentially the same under either approach.

Therefore, it seems to me it would be extremely hazardous to reject the conference report in an effort to secure a 1-year extension of the present program. This runs the very high risk of a stalemate between the House and the Senate with the result that we might have to revert to the old basic authority, under which, without question, wheat and feed grain farmers would be the worse off.

Because the set-aside approach differs in several respects from the present program there are some uncertainties. Arguments that it will work as well or better than the present program seem convincing. But should the set-aside not live up to its promise, corrective action can then be taken. Proceeding on this course would seem to be most reasonable and would minimize the risks of a legislative stalemate at this late stage of the year.

Mr. McINTYRE. Mr. President, I plan to vote for the conference report on the farm bill.

I do not do this with any feeling that this legislation is the answer to the farm problem or that it is all that I hoped might be accomplished in this Congress.

I know there are those who believe that no bill would be better than this bill. I am aware that a substitute will be offered if this conference report is rejected.

However, I fear that the end result of such actions may be no farm bill at all, and I am not one who shares the view that this would be a step forward.

There are, I believe, good features in the conference bill.

For the first time we are putting limitations on farm payments. These limitations of $55,000 per crop, per farmer, are not what I believe they should be. I supported limitations in the amount of $20,000 per farmer. But the limitations in this bill move in the right direction.

This bill has a good section on dairy. I think this program will be helpful to the dairy producers.

I also support the rural development section of the conference bill. I have long favored increased activity in bringing new viability to our rural areas. Thirty percent of our people live in the 98 percent of the land which forms our rural areas. But, we do not do enough to assure that these people can live a decent life and can find a future in rural America. I think they deserve assistance.

Mr. President, these are some of the reasons I am going to vote for this conference report. I hope it will be adopted.

Mr. YARBOROUGH. Mr. President, today we are faced with deciding what type of farm policy this country will pursue for the next 3 years. The choices we have are clearly defined. We can accept the conference report on H.R. 18546 and, thereby, deliver a crippling, if not fatal, blow to farming as a family occupation, or we can reject this conference report and pass legislation which will continue the successful partnership between the American farmer and his Government which has existed since the 1930's. As the senior Senator from the State which leads the Nation in the production of feed grains, cotton, and rice, and which is third in the Nation in the number of farms, I cannot idly stand by and witness the destruction of the livelihood of over 398,000 Texans whose lives depend on agriculture. This conference report and its regressive programs represents a dramatic departure from farm policies which have proven to be successful and a return to the policies of the "Benson era" which drove so many small farmers off the land and into financial ruin. Surely we cannot have so soon forgotten those dark days in the history of America.

One of the most disturbing features of the bill the conferees agreed to is the unjust treatment of feed grain producers. In the Senate, Senator MONTOYA and I, together with several other Senators from feed grain producing States, were successful in passing an amendment which would provide that price support payments to feed grain producers would be paid on the basis of 75 percent parity. This amendment would have assured these farmers a fair and honest return for their efforts. Instead of accepting this amendment, the conferees adopted a formula which would restrict these payments to the difference between the higher of $1.35 a bushel and the average market price for the first 5 months of the marketing year. In addition, the Secretary of Agriculture is authorized to reduce these payments to 68 percent of parity if he finds that this is necessary to keep the 1973 payments from exceeding those made in 1972. In dollars and cents, this formula would cause the grain sorghum producers in Texas to lose an estimated $9.6 million in income in 1971, $15.9 in 1972, and $22.3 in 1973. Mr. President, the feed grain farmers of Texas cannot stand such losses and hope to stay in business.

In addition to the disastrous pay-

ment formula contained in this bill, the conference report has failed to continue the advance payment program which since 1965 has been an important aspect in financing the production of feed grains. The established practice had for several years been that a feed grain producer would receive an advance payment shortly after he signed up in the program. This advance payment was used by the farmer to finance the cost of planting his crop. During this year, the Secretary of Agriculture arbitrarily canceled this program. The conference report codifies the Secretary of Agriculture's action by providing that advance payments will be made as soon as practical after July 1 of the year in which the crop is to be harvested. This means that the average feed grain farmer will have to seek the funds he needs to finance the planting of his crop in the commercial money market.

Many smaller farmers, who are already suffering under the heavy burden of inflation and low profits, simply cannot afford to pay the high interest rates charged by banks today. Thus, many small farmers will be locked out of the feed grain program as a result of the cancellation of advance payments. In January of this year, I joined with Senator MONDALE and 10 other Senators in introducing S. 3356 which would require the Secretary of Agriculture to make at least 50 percent of such payments in advance of determination of performance. This bill is designed to fix in our law the advance payment program. It would be a serious mistake to pass a farm bill without assuring that feed grain farmers will be entitled to advance payments.

In addition to the harm the bill agreed to in conference will do to feed grain producers it also poses a serious threat to the cotton producers of America. The bill establishes a parity formula that will seriously limit the support payments on cotton. Under the formula devised in conference, support payments would be determined by taking the difference between the higher of 65 percent parity or 35 cents and the average market price for the first 5 months of the marketing year. Under this formula, it is very possible that support payments will fall below 35 cents per pound. A more realistic approach to this problem would be to maintain support payments for cotton at 77 percent of parity.

Furthermore, the conference report invests the Secretary of Agriculture with extraordinary discretion in determining the basic acreage allotment on which support payments are to be made. More specifically, the conference report sets the basic acreage allotment at 11.5 million acres for 1971. For 1972 and 1973, the Secretary would be able at his discretion to recompute this acreage allotment. Based on past experience with the present Secretary there is no reason to believe that he would use this discretion to help farmers. On the contrary, during the 2-year period in which this administration has been in power, the Secretary of the Department of Agriculture has made a number of decisions which have seriously affected the farmers of this country. More specifically, the Secretary of Agriculture has:

First, cut the price protection on soybeans;

Second, refused to increase dairy price supports to the authorized 90 percent parity;

Third, cut the wheat acreage allotment by 12 percent;

Fourth, canceled advance feed grain payments; and

Fifth, refused to spend properly appropriated funds for the agriculture conservation program.

In the face of this antifarmer record, it seems painfully clear that the Secretary should not have the power to determine the cotton allotment.

As an alternative to the pending bill, I am a cosponsor of a bill, S. 4492, which will continue the programs under the present law which have been proven to be successful for a period of 1 year, thereby allowing Congress a second chance to devise a sound farm program. More specifically, S. 4492 would include the uncontested provisions of the conference report and continue the wheat, feed grains, and cotton programs under the 1965 act for 1 year. This is the only reasonable solution that can remedy this present situation.

Mr. President, these are but a few of the reasons why this conference report should be rejected. If we do not adopt a sensible solution to the ever-increasing number of problems that face the American farmer, we will soon see countless numbers of small farmers being driven out of business and forced into our overcrowded cities. Such a result would not only be bad for the farmers, but would seriously damage our whole economy. We cannot allow this to happen.

Adlai Stevenson wisely said:

> A society can be no better than the men and women who compose it. The heart of any farm policy must therefore be the life of those who work the farms. Our objective is to make that life full and satisfying.

Let us show our dedication to this ideal and defeat the conference report.

Mr. MATHIAS. Mr. President, traditionally the productivity of the American farmer has been perhaps the fundamental source of wealth in this Nation. It was the farmer who formed the vanguard in the settling of this continent and who led our revolution against colonial rule. His productivity in this country is unparalleled in the world. It is the very ability of our farmers to produce surpluses of food and raw materials that has led to the legislation before us.

The agriculture bill, when considered in light of its full impact on the farmer, the consumer, and the taxpayer, can only be called a harvest of paradoxes. How can it be that legislation conceived as a means of preventing excessive surpluses can simultaneously depress the income of the average farmer, force higher prices on the consumer, and still cost billions of tax dollars?

This bill before us does very little to solve the problems of this Nation. It does not consider the housewife at the grocery counter, already distraught that so many dollars can buy so little; nor does this bill serve the millions of small farmers whose relative incomes continue to diminish. This bill may be a step in the right direction, but it is still a patchup job built on the precepts of subsidy and control. This Nation needs a new approach to agriculture.

Where once the farmers looked to the land and the sky as a vehicle to economic and political independence, they are now confronted only with the specter of the latest manifesto of the Department of Agriculture. The embattled farmers resolutely stood at Concord, but are confused and bewildered by the welter of dicta which we impose upon them. For example, we stress set-aside in some areas but elsewhere circumvent it with technicalities. There are payoffs and restrictions, histories and certificates.

Few of the freedoms from arbitrary governmental interference won in our Revolutionary War are retained in the discretion of the farmers. Were it not for the multiplicity of the programs and the mysterious systems of subsidy and payoff, this legislation would take its place among the Intolerable Acts. It demeans the farmer to look to the Department of Agriculture for the latest bonus gimmick. His integrity and economic status are maintained in jeopardy by these arbitrary programs. But in the meantime food prices are higher than ever and the poor continue to pay the highest percentage of their income for food. These lowest income groups continue to bear the burden of taxes which subsidize the corporate farmers. May I suggest that every extra penny we spend for bread and every extra dollar we spend on subsidy is exactly inflation. Still we are not moving ahead quickly enough to retire excess farmlands. To enhance the environment, we are not making our lands available to recreational use as the President so rightly recommended.

In June of last year, our distinguished minority leader, the late Senator Everett McKinley Dirksen, discussed with me the need for basic changes in our agricultural policies. As a result, Senator Dirksen and I introduced S. 2524 with 18 other Senators as cosponsors. It was our feeling then, and it is even more true today, that there is a need to develop new, more effective, and less costly Government programs for agriculture.

There is clearly a need for a change in approach. This was the spirit which prompted us to introduce S. 2524 last July. This fact was recognized by President Nixon during the 1968 campaign when he said:

> A new look must be given to a Government policy which has brought us to a station where 21 percent of the farmer's realized net income comes directly from the Government. Those who control the purse control the power—and the new programs that are designed should insure a fair return—while reducing this dangerous level of dependency on an arbitrary political power.

The bill recognizes that it is impossible to make a drastic, sudden change in the direction of policy without seriously disrupting and hurting our agricultural economy. The legislation, therefore, proposes a gradual but consistent turn away from Government subsidies.

I believe that we must recognize that, while American agriculture is one of our most important industries, there are other problems also demanding our effort and attention. I think we must consider seriously the amount of Federal money which we can afford to spend on our farm programs. If the current approach were providing effective help and satisfactory incomes to farmers, it could be justified. However, when one looks at the record of the current program against the cost involved, it becomes hard to explain to consumers and taxpayers why we must continue to invest billions in subsidies which do not solve the problems of American agriculture.

In voting for the bill before us, we are voting to perpetuate inflation at its very basis, we are voting to maintain higher taxes and food prices and we are voting not to help our farmers, but to keep them in need of our continued help. A vote against this bill is a vote for a fresh approach, an approach which will bring reason to the marketplace and relief to the taxpayer. It will be a vote for the integrity and historical independence of the American farmer.

I urge the Senate to reject the conference report.

Mr. ALLOTT. Mr. President, first, I must restate my sincere disappointment in the delay in calling up the farm bill. Such inaction is further torment for America's farmers. Only yesterday I received a letter from an agonized constituent relating that another young man had abandoned farming as a career. His departure was not primarily motivated by pure economic considerations as one might think, but rather by the uncertainty which surrounds the farm program. When high operating costs and low commodity prices were topped off with having to plant next year's crop without knowing the nature of the regulatory program, the latter became the "straw that broke the camel's back." Can there be any doubt as to why so many farmers consider their future to be bleak?

Even though I have doubts on how well the new provisions of this bill will work, and even though I would like to see higher price-support loan levels and the tying of farm income to parity, I intend to vote for the conference report. The committee members are to be commended for the long hours and hard work spent this past year trying to come up with a new and better program. There are new ideas in this bill. I think they are worth a try.

Some urge us to reject the conference report because they want more for our farmers. They say that if we reject the conference report, and if we pass an alternative proposal, then maybe the House conferees will accept previously rejected features of the Senate bill, or maybe the House will pass the alternative proposal. Mr. President, based upon my observations of the speed of the deliberations thus far this year on the farm program, there are too many "if's" and "maybe's" in that reasoning for me. The potential loser in further dilly-dallying with this measure is the farmer.

I urge that the Senate pass the conference report and put an end to agricultural uncertainty—at least for another 3 years.

AMERICA'S LAMB AND WOOL INDUSTRY

Mr. HANSEN. Mr. President, as the Senate prepares to discuss the conference report on H.R. 18546, the Agriculture Act of 1970, I wish to comment briefly on an area that is covered by this legislation.

H.R. 18546 includes a provision extending the National Wool Act of 1954, and the Wool Act, in turn, contains a provision—section 708—which authorizes a check-off from payments to producers for the purpose of funding a promotion and advertising program for the lamb and wool industry. This program in carried out by the American Sheep Producers Council, and while there is no absolute means of gaging in strict terms the effectiveness of an advertising program, I think most would agree that the ASPC efforts have been worthwhile.

The sheep industry today faces many problems, many of which are inherent in the radical changes sweeping the agricultural industry of this country. Improved technology has forced the trend toward large corporation farming, and in the case of the lamb and wool industry, increasing use of synthetic fibers and an increasing influx of foreign imports has compounded the problem.

The sheep industry, in 1955, organized the American Sheep Producers Council to help the industry maintain a handhold in the free enterprise system and to increase demand in this country for lamb and wool products.

Since 1955, the U.S. Department of Agriculture has conducted five nationwide producer referendums to ask producers if they wish to continue the ASPC advertising program. In each instance, at least two-thirds of the producers participating in the programs authorized under the National Wool Act indicated they wished to continue contributing to the budget for the ASPC so that this advertising could be carried out.

Presently, the system provides a budget of about $3 million annually for the council's programs. This money is obtained by subtracting from individual producer payments under the Wool Act an amount equal to one and one-half cents for each pound of shorn wool, or seven and one-half cents per hundred pounds of live-weight, unshorn lamb.

If the Congress approves H.R. 18546 without changing the provisions affecting the Wool Act, the Department of Agriculture will, next year, conduct another nationwide producer referendum in April to determine if a majority of producers wish to continue the advertising program authorized in section 708 of the act.

I am confident that producers will again indicate their willingness to continue this responsibility of promoting their products; the decision is up to them.

Another example of the industry's desire to enhance its competitive position is the comparatively new sheep industry development program, undertaken by the domestic industry, which is designed as a self-help measure to bring the latest technology in production and marketing to the industry.

The results of this new resurgence, in an industry that ranks as one of the most important in my State of Wyoming, should be obvious within the next year or two as these programs give new life and hope to producers.

Mr. MUSKIE. Mr. President, I know of no other American industry where the Federal Government plays such a major role as in agriculture, nor of any other segment of our population where Federal policy has such a direct economic bearing than in the farm community.

We have found, in the past, that such Federal support is necessary, to protect not only the agricultural community but the rest of our economy as well from the uncertainties of a fluctuating market.

Today, our farm economy is in trouble. The constantly improving efforts of farmers, and the advance of agricultural science and technology, promise ever-increasing production of farm products. But the price the farmer receives for his products seems always to fall. In August of this year, prices for raw farm commodities dropped more than during any single month since October 1948. In spite of a considerably larger gross income, inflation and rising production costs have left the average farmer with little more net income than he was earning 5 years ago.

Our farmers deserve and need better treatment. Most Americans eat as well or better than people in any other nation. And we pay less out of our dollar for food than citizens in any other industrialized nation.

Yet in spite of the growing rural crisis, which has forced countless farmers to flee to the overcrowded urban areas over the last two decades, the bill which we have before us now, H.R. 18546, would force farm income to decline even further, while prices continue to rise.

The conference bill has concentrated a wide, almost arbitrary, authority in the office of the Secretary of Agriculture.

The bill has abandoned the concept of parity. Although the word parity appears on paper, it is set at a rate for feed grains so low as to be virtually meaningless. This in spite of Mr. Nixon's comments 2 years ago that a parity rate of 74 percent was intolerably low.

Advance payments have been eliminated.

Set-aside programs for wheat and feed grains are unlimited, subject to the discretion of the Secretary of Agriculture.

In short—in the aftermath of a 1968 Republican campaign pledge to provide "a more direct voice for the farmer in shaping his own destiny," we now have a bill which will lower farm income at an estimated cost to farmers of more than $1 billion over the next 3 years.

Is it of no concern to the administration that hundreds of thousands of small farmers, who cannot today make ends meet, will be driven off the farm?

It would appear not.

Are we to sacrifice the small family farmer for the sole sake of efficiency, at the cost of more overcrowding of our cities which today are struggling to cope with millions of displaced farmers and farmworkers?

I hope not.

The social cost of such a policy is certainly not worth whatever relatively small amount the administration hopes to save on this bill.

In voting on H.R. 18546 we face a difficult choice.

The bill passed by the Senate was modest, yet sound. The Senate committee, especially its chairman, is to be commended for its work on the Senate version of H.R. 18456.

A return to conference would mean further delay in getting this year's farm program underway.

Yet I will support this step as more acceptable than the present conference bill, and I urge my colleagues to do the same.

There are critics of the farm program who say that it is obsolete—that parity should be abandoned, that the structure should be made less rigid.

Some criticisms of the program are no doubt valid.

Yet we cannot abandon parity of income as this bill would do. We must insure that the health of the farm community, on which we all depend, improves with the rest of our economy.

Mr. BYRD of West Virginia. Mr. President, I support the House-Senate conference report on the omnibus farm bill, which is now before the Senate.

The conference report establishes an annual ceiling of $55,000 per crop on payments to producers of upland cotton, wheat, and feed grains. I have twice voted for the lower $20,000 ceiling on price support payments and, like many of my colleagues, would still prefer the lower figure. However, I am not unmindful of the fact that this is the first time that a limitation has been enacted in basic law; and, because of this fact, I feel that this bill is a move in the direction of improving the conditions under which Federal subsidies are given to large farmowners. West Virginia farmers do not receive price support payments in the amount of $20,000 or above, so the limitation will not affect them.

Beyond the question of price support payments, Mr. President, the conference report now before the Senate establishes improved programs for both producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities.

The report also extends the provisions of Public Law 480, commonly known as the "Food for Peace" program. Under this program, almost $12 billion of American farm products have been shipped abroad over the past 15 years. Public Law 480 sales on long-term dollar credit amounted to $1.4 billion during that period. Efforts made under this program have enabled the American farmer to harvest a fair share of the rewards of international agriculture.

Mr. President, I support the conference report now before the Senate and feel that its passage will be beneficial not only to the American agricultural community, but to the general population as well.

NO TO LOWER FARM INCOME

Mr. CHURCH. Mr. President, today we have before this body for consideration a farm bill. It is a strange measure and it places those of us who must vote it either up or down in an extremely difficult situation. Long ago, all of us knew that this moment would come, the time when we would have to cast our final vote on one of the most controversial pieces of legislation which has been before the 91st Congress. Now the hour grows late. We are in a lame duck session, called together for the first time in many years following an election which was one of the most hard-fought and vindictive in recent memory. We are faced with a bill which was roundly attacked during that election—some maintain that its contents were responsible for startling Democratic gains in Republican farm areas.

This is a bill which no one, with the exception of the Nixon administration, wants. It is the result of 18 months of nonleadership from the Department of Agriculture. So well did the Nixon administration conceal its intent on farm policy that the President of the United States did not even bother to deliver a farm message. The last President, incidentally, who did not deliver a farm message was Herbert Hoover.

This bill, as changed by the conference, will reduce the income of American farmers by approximately $1.2 billion in the next 3 years. This loss of farm income comes at a time when the per capita income of the American farmer is already well below the national average. In my own State, the trend of the agricultural economy is clear. From 1961 to 1965, Idaho's total farm employment averaged 66,000 persons. By 1967 that figure had dropped to 50,000. In 1968, it stood at 48,000. It is even lower today. Value of principal crops in Idaho declined by $14,614,000 in 1968. This reduction, as we are all too aware, came in a time of rising inflation, exhorbitant freight rate increases granted to the railroads by the Interstate Commerce Commission, and ever-rising costs of farm operation and equipment.

I have spent the last month in Idaho. In the last week, I have been in touch with the heads of Idaho's major farm organizations. Regardless of their differing views as to whether or not this conference report should be adopted, all agreed on one thing—no one likes this bill.

The argument I have heard the most in favor of supporting the conference report is that should it go down to defeat, there may well be no farm program. This argument is one which I simply cannot accept. I cannot believe that the membership of the Senate or the House would allow this session to end without a farm program.

To me, the alternatives appear to be only two. We may either meekly submit or engage in what may well be a losing fight for the farmers we represent. I was not sent to the Senate to vote for farm programs that would further endanger the agricultural economy. I was not supported by the farmers of Idaho to "go along."

I cannot, in good faith, vote for this conference report. In the slang of the day, that would be a "cop-out," a convenient excuse to submit rather than enlist in a lost cause. I, for one, would rather vote on the losing side than support a bill which can only contribute further to the decline of farm income in Idaho and throughout the country.

The PRESIDING OFFICER. The time of 3:30 has arrived.

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

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

The question is on the adoption of the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. COTTON (after having voted in the negative). Mr. President, on this vote I have a pair with the distinguished Senator from Ohio (Mr. SAXBE). Were he present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore I withdraw my vote.

Mr. SCOTT. Mr. President, on this vote I have a pair with the distinguished Senator from Texas (Mr. TOWER). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. BYRD of West Virginia (after having voted in the affirmative). Mr. President, on this vote I have a live pair with the distinguished junior Senator from Indiana (Mr. BAYH). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." Having already voted in the affirmative, I therefore withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from New Jersey (Mr. CASE), the Senator from Hawaii (Mr. FONG), the Senator from Oregon (Mr. HATFIELD), the Senator from Ohio (Mr. SAXBE), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Illinois (Mr. PERCY) is absent on official business.

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

If present and voting, the Senator from New Jersey (Mr. CASE) would vote "yea."

The respective pairs of the Senator from Ohio (Mr. SAXBE) and that of the Senator from Texas (Mr. TOWER) have been previously announced.

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

The result was announced—yeas 48, nays 35, as follows:

[No. 387 Leg.]

YEAS—48

Aiken	Dole	Miller
Allen	Dominick	Murphy
Allott	Eastland	Packwood
Anderson	Ervin	Pastore
Baker	Fannin	Pearson
Bellmon	Fulbright	Pell
Bennett	Griffin	Prouty
Bible	Gurney	Randolph
Boggs	Hansen	Russell
Brooke	Holland	Smith
Byrd, Va.	Hruska	Sparkman
Cannon	Javits	Spong
Cook	Jordan, N.C.	Stennis
Cooper	Jordan, Idaho	Stevens
Cranston	McClellan	Talmadge
Curtis	McIntyre	Thurmond

NAYS—35

Burdick	Jackson	Muskie
Church	Kennedy	Nelson
Eagleton	Long	Proxmire
Ellender	Magnuson	Schweiker
Goldwater	Mansfield	Stevenson
Goodell	Mathias	Symington
Gravel	McGee	Williams, N.J.
Harris	McGovern	Williams, Del.
Hart	Metcalf	Yarborough
Hartke	Mondale	Young, N. Dak.
Hughes	Montoya	Young, Ohio
Inouye	Moss	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Byrd of West Virginia, for.
Cotton, against.
Scott, against.

NOT VOTING—14

Bayh	Hatfield	Ribicoff
Case	Hollings	Saxbe
Dodd	McCarthy	Tower
Fong	Mundt	Tydings
Gore	Percy	

So the conference report was agreed to.

Mr. HOLLAND. I move to reconsider the vote by which the conference report was agreed to.

Mr. MILLER and Mr. TALMADGE moved to lay the motion on the table.

The motion to lay on the table was agreed to.

AN EXPRESSION OF THE SYMPATHY OF THE SENATE FOR THE PEOPLE OF PAKISTAN

Mr. SCOTT. Mr. President, I send to the desk a resolution sponsored by myself and the distinguished majority leader and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

S. RES. 484

Whereas the people of Pakistan suffered a devastating blow as a result of the cyclone and tidal waves on November 13, 1970; and

Whereas the cyclone and tidal waves caused the loss of thousands of lives and the destruction and devastation of many towns and villages rendering homeless and destitute many thousands of people; and

Whereas the Government and people of the people of Pakistan in their tragic hour sympathy can be expected to open their hearts and material resources to the needs of the United States in their compassion and of bereavement and suffering: Therefore, be it

Resolved, That the Senate extends its deepest sympathy to the President and the people of Pakistan in this dark hour of their suffering and distress.

Sec. 2. Copies of the present resolution shall be distributed through appropriate channels to the President of Pakistan.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 484) was considered and unanimously agreed to.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1971

Mr. MAGNUSON. Mr. President, may I ask what is the pending business?

The PRESIDING OFFICER (Mr. FANNIN). Without objection the Chair now lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows: H.R. 18515, making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes.

Mr. MAGNUSON. Mr. President, the Senator from New York (Mr. JAVITS), for the benefit of the Senate, submitted an amendment last night, which is now at the desk and which was divided into five different amendments to the bill. We asked for a division of those amendments, which is automatically granted under the rule.

Now the Senator from New York, of course, has the opportunity to move to bring up any one of those 5 amendments.

Mr JAVITS. I thank the Senator from Washington.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr FANNIN). The Senator from New York will state it.

Mr. JAVITS. Is my amendment now before the Senate?

The PRESIDING OFFICER. Yes.

Mr. JAVITS. The whole amendment?

The PRESIDING OFFICER. Yes, as modified.

Mr JAVITS. And each part will be considered separately; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. Is it also correct that the first vote will come on what has been designated as the first part of the amendment—to wit, page 1, line 1, to page 2, line 4, inclusive?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. I think we can go ahead with the debate. I must tell the Senate that I understand the problem. I think we could get together on the various aspects of the money. I realize that the question of administration is difficult.

The fact is that as the amendment now stands, and as we will see about it in the course of debate, the first vote will come on the really basic proposition: Shall we increase the amount and shall we at one and the same time, vest the administration in the same way it has been vested up to now—to wit, in the OEO, which in turn has delegated administration to other agencies, by agreement, to wit, the Department of Labor and the Department of HEW.

A real issue is on the money side, which I will discuss in a minute.

On the question of administration, the basic question is this: Until the end of this fiscal year, June 30, 1971, we would be allowing the OEO to continue to coordinate the whole program, including the manpower training phases of it and the education phases of it, although practically it will actually be carried out by agreement, with the OEO, by the other two Government departments.

There is no question about the fact that, beginning July 1, 1971, approximately what this appropriation bill as it now stands, will probably happen; so that the issue is whether we shall continue the present practice until the end of this fiscal year, or shall we immediately go to what probably will be the new practice?

It is a fact that the operations of the OEO under this particular legislation in the past 2 years, including this fiscal year, have been to emphasize a shift in its operations to innovation, to the kind of projects which community action agencies are in the best position to handle. It has gradually been reforming itself in the expectation that if there is a renewal of the legislation, the renewal will be put into effect. If the new system were established, the Government departments will be administering the Headstart and manpower programs which we have been discussing.

There is a strong case, we believe, on the legislative side—and it is significant—that the sponsors of this amendment are largely the members of the Committee on Labor and Public Welfare on both sides of the aisle. We feel that this still is not finally developed, that there is still an advantage to giving the OEO the top management of the whole enterprise, and giving it a voice in the decisions as to the extent to which the poor shall themselves be tied into these operations, the extent to which they shall be handled by community action agencies and other community groups, and the extent to which other agencies and municipalities concerned with poverty programs, shall be involved as opposed to completely leaving it to the Government departments with their traditional patterns for dealing with money. There is still enough of a poverty stamp on the requirements for the utilization of the funds to make it inadvisable to shift now.

I think I speak for all the sponsors in saying that in our legislative activity—and we are all members—the Senator from Wisconsin (Mr. NELSON) is the chairman of the subcommittee, and I and others concerned, such as the Senator from Massachusetts (Mr. KENNEDY), the Senator from California (Mr. CRANSTON)—we are all members of the Labor and Public Welfare Committee and we are completely ready and desirous of putting some new system into effect as of the beginning of the next fiscal year.

July 1, 1971; but this appropriation is for this fiscal year, not for the next fiscal year.

For this fiscal year, we deeply believe that the authority for a transition period which we gave ourselves in the original legislation should be honored in the appropriation as well.

We would have hoped very much that the Appropriations Committee would have been convinced of that and would have left to us the timing of the decisions. That is all we are really arguing about. What we have done in this amendment is to ask the Senate to stay with us on the timing of the decision. That is the issue upon which the Senate will vote as an inherent element of the first part of this amendment.

The other issue upon which the Senate is to vote——

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. 3867) to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes, with an amendment, in which it requested the concurrence of the Senate; that the House insisted upon its amendment to the bill and asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PERKINS, Mrs. GREEN of Oregon, Mr. DANIELS of New Jersey, Mr. O'HARA, Mr. HAWKINS, Mr. WILLIAM D. FORD, Mr. HATHAWAY, Mr. SCHEUER, Mr. MEEDS, Mr. BURTON of California, Mr. GAYDOS, Mr. CLAY, Mr. AYRES, Mr. QUIE, Mr. ERLENBORN, Mr. SCHERLE, Mr. ESCH, Mr. ESHLEMAN, Mr. STEIGER of Wisconsin, and Mr. COLLINS of Texas were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 14252) to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 12807) to amend the act of February 11, 1903, commonly known as the Expediting Act, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CELLER, Mr. RODINO, Mr. ROGERS of Colorado, Mr. MCCULLOCH, and Mr. HUTCHINSON were appointed managers on the part of the House at the conference.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 1255) to authorize and request the President to proclaim the period January 10, 1971, through January 16, 1971, as "National Retailing Week," and it was signed by the President pro tempore.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1971

The Senate continued with the consideration of the bill (H.R. 18515) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes.

Mr. JAVITS. Mr. President, on the amounts, I think the case is extremely strong. We are far from remotely dealing with the problems of need. I believe that the national priorities should be realined, so as to materially improve the poverty program.

For example, we are seeking to reach programs where there is a very great deficiency. Let us take Headstart, which calls for some $59 million of the increase of $181.6 million.

If our amendment prevails, 529,406 Headstart slots will be made available as against the administration's budget request figure of 408,800 and compared with the fiscal year 1970 of 471,600.

We are trying to reach a target of something in the area of 1,300,000 children who would be eligible for this kind of program.

Also, I think it is fair to say that, of all of the programs in Federal aid to education or in poverty, the Headstart program has proved to be the best and most effective; indeed, the committee itself gave some $18 million in addition to what the House approved.

The $59 million which we propose to add would take us up to the authorization level in respect to the Headstart earmarking. We respectfully submit that it certainly ought to be done.

The other program which takes a substantial amount of money from our increase is $41,900,000 for manpower programs. This is divided among an additional 39,950 slots in various manpower training programs. These slots include the following: In the Job Corps, 1,750; in the concentrated employment program—that is a program essentially zeroed in to the slums—5,000; for the Neighborhood Youth Corps for the in-school youths—5,300; for those who are school dropouts, 2,100; for Operation Mainstream—that is to enable older people to get some opportunity in respect of employment—700; for public service careers—that is a threshold to get into a career in the public service domain—2,600.

The largest number is for the summer Neighborhood Youth Corps, 16,500 slots.

Mr. President, that summer item is a rather critical one because of the serious impact which we see today in unemployment among teenagers.

Mr. President, unemployment among teenagers is running on the average of something in the area of 3 to 4 times the national average unemployment rate. It is running as high as 24 percent in urban poverty neighborhoods. For black teenagers—where the problem is even greater in terms of tension—it is running over one-third, 34.9 percent.

I think it is fair to say that I have scurried around every year in a big struggle, which has extended generally into the summer, trying to get a little more money for the summer employment program. Last year we got $35 million after a tremendous battle. This money became available when the summer was already upon us.

Mr. President, what we are trying to do here insofar as this amendment affects this particular program is at least to anticipate this kind of rush at the very last minute which—while always essential and justified—is bound to be somewhat inefficient and not give us the full return per dollar of investment in appropriations which we could have.

I think that it is elementary that we should allocate at least what we tried to do last summer for the youth of the country in terms of summer employment.

If we do provide the $41 million, and other sums a good portion of that should be utilized for the Neighborhood Youth Corps summer program. That will provide approximately 414,000 slots, or opportunities. That represents less than one-third of the target population which is expected for next summer.

Mr. President, I would like to point out that last summer the opportunities which were provided fell short by 145,000 of what the cities and rural areas needed.

It seems to me then that this is just being forehanded about a situation which we know will descend upon us like a ton of bricks.

Mr. President, with respect to the aspects of the program dealt with in respect of this same amount of money, there is an interesting comparison between VISTA and the Peace Corps, which is an external program generally of the same nature.

The Peace Corps program has 10,000 volunteers; the VISTA program has only 5,000 volunteers.

Mr. President, it seems to me that domestically that program is certainly entitled to a measure of assistance greater than the measure of assistance which has been vouchsafed to it in respect of this bill.

I have already referred to the Headstart program and the other similar programs. I would like to say a word now about the health and nutrition programs which will be benefited by about $20 million if our amendment is accepted.

It is a fact that there is very inadequate coverage in terms of hunger which has so much affronted the conscience of the country in the Federal programs today.

The participation for food stamps, for example, is lower than 30 percent in 18 of the 50 States. The need with respect to the so-called emergency and medical services program is very critical. Even if the new food programs proposed by the administration were put into effect, a little more than half of the poor would be reached. We feel there is very grave need for the emergency aid which I have described. We feel that the provision or addition of $20 million is highly desirable in respect of this particular program.

Other modest increases, Mr. President, amounting to a few million dollars are necessary to bring the programs up to par and avoid closings—for example, in the legal services program and in the special impact program. I have already referred to the increase in the VISTA program, which is only $2 million. In the rural loan program, it is about $1 million. And in the item on research, development, and evaluation—which the administration itself has emphasized and which is so crucial in the development of new approaches to poverty—I would like to point out in respect of that program that even the figure of the administration has not been met.

The President's budget allocation was $118.3 million. The Senate Appropriations Committee granted $114.6 million. We seek to restore that figure by adding approximately $4 million.

To summarize, the main increases we seek are in Headstart, in the manpower training program—which includes the Neighborhood Youth Corps for summer jobs—and in the health and nutrition programs.

The other increases are not relatively large in terms that I have just described to the Senate but also very important.

We do take the OEO basic authorization figure; that is, the appropriation for OEO, to the allowable appropriation after deducting the $50 million which already has been appropriated with respect to public school desegregation efforts.

In looking at the overall picture I would like to give the Senate a few facts. First, even if we take the administration's requests as they were cut by the Committee on Appropriations, and the cut from the administration request was not great, the following percentages would be reached in the target groups which each of these programs is designed to reach: with respect to family planning we would be reaching 8.9 percent of those who need assistance; in respect of drug addiction, we would be reaching 1.7 percent; in respect to alcoholics and recover from alcoholism we would be reaching 4.4 percent in respect of legal services we would be reaching 17 percent; in respect of even Headstart, which is a very popular program, we would be reaching 31 percent. In short, we are not looking for any gold-plated appropriation here. Still, even with these authorized amounts we are appropriating, it would be far from the coverage we should have.

Also we should have in mind the number of poor in this country. In this affluent country there are 24.3 million poor, which is one-half the population of Great Britain. I would like to point out that contrary to many popular misconceptions, 69 percent of the poor are white and 31 percent are nonwhite. In short, this is not a race problem in that over two-thirds of the poor today are white.

I also would like to point out that the rural poor constitute one-third of the Nation's poor. That is a very significant figure because so often men who are voting here and exercising this great responsibility overlook the fact that we have a tremendous number of rural poor.

For all those reasons, both in terms of the continuance of the present practice of the OEO, and in terms of the amount of increase we seek by this amendment, I deeply believe that it is well worthy of the support of the Senate.

Before I conclude on this initial presentation I would like to repeat what I said this morning because I think it is critically important in this debate. I do not argue for this amendment in any adversary sense with the committee. I repeat what I said today and I want to repeat it as often as there may be any question about it.

The Senator from Washington (Mr. MAGNUSON) and the Senator from New Hampshire (Mr. COTTON) have as deep a concern as anyone for the poor. I have served on this committee and I know the colossal sums that must be appropriated for many purposes, including this one, and the problem of dividing what is available. If this revision is to be made in accordance with this amendment they have a right to say to the Senate, "Certainly, if you wish to do it this way do so, but we have done the best we can in committee. It is now up to all of the Senate to do what it feels is the right thing to do in this situation."

So I hope Senators will not feel that they are reversing anyone or that there is some squabble because that is not true. They have done the best they can and they have done it according to their consciences. The rest is up to us. This amendment is an appeal to the Senate to do what a group of us think is the right and necessary thing to do in this situation.

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

Mr. JAVITS. Of course. I yield.

Mr. COTTON. I appreciate the kind words which the Senator has spoken. He is always very generous and he is perfectly correct that this is not a personal reflection on the committee or on anyone else. This question is not asked in any spirit of sarcasm but for honest information.

During the Senator's remarks he mentioned the fact that each year he had been scurrying about—that was the expression he used—to get the money for summer employment when it was needed and soon enough to obtain it. We all know the Senator does do that and we admire him for his constant faithfulness in trying to help in that situation.

However, what I want to know is this. The Senator indicated that what he got, in a sense, was too little and too late. Was the Senator getting that money allocated by OEO or from some other agency?

Mr. JAVITS. I remember it as of last year. It was allocated to the Department of Labor at that time, which by agreement with the OEO was the agency that was administering this program; I remember—and I am drawing solely on my recollection—I would never have gotten it without the cooperation of the Senator from New Hampshire who is asking this question and I do pay tribute to him for that.

Second, and the Senator can correct me if I am wrong, the appropriation actually went to the Department of Labor at that time. That was one of the items agreed upon in conference. That is my best recollection.

Mr. COTTON. In other words, if it had remained in OEO the Senator feels he could have gotten perhaps more speedy satisfaction?

Mr. JAVITS. No, I would not say that. I do not make one of my reasons for seeking a continuance of a present practice any improvement in the situation on this summer job question. As a matter of fact, the entire summer job question was attributable to the fact that when it first came up here it proved impossible to get more than we did. Subsequently it was on a supplemental. I am sure the Senator will recall that. It took months and months, until we were finally in the season when the money was forthcoming.

I think that having some confidence in the fact that the money would be appropriated, many cities were ready to use it. In fairness to the Department of Labor, it should be said that they did not distribute the money except to cities that were forehanded enough to be ready to effectively use it.

We face the glacial problems of getting the entire bill through, and not just this matter. I do not make that an argument that Labor would do better than OEO.

Mr. COTTON. I thank the Senator.

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the National League of Cities and the U.S. Conference of Mayors, in which they support completely the amendment we are proposing and make a very strong case for their funding levels we seek, with special emphasis on the $41.9 million in the manpower program and its effect upon the Neighborhood Youth Corps summer program.

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

NATIONAL LEAGUE OF CITIES,
U.S. CONFERENCE OF MAYORS,
November 19, 1970.

Hon. JACOB K. JAVITS,
U.S. Senate
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: On behalf of the National League of Cities and the U. S. Conference of Mayors we urge the passage of Amendment 1068 to the HEW Appropriations Bill. This amendment, if enacted, would increase the funding level of the Office of Economic Opportunity by $181.6 million for fiscal year 1971 and set the overall funding close to the amount authorized by the Congress.

At a time when the national unemployment stands at 5.6 percent in our nation and continues to rise, it is indeed tragic that we are faced with cuts in our manpower programs. The unemployment picture in our cities is even more bleak, especially among the young—17.1 percent for teenagers, 24.1 percent in urban poverty neighborhoods and 34.9 percent among black teenagers. Cuts, for example in our Neighborhood Youth Corps, should not be tolerated. The surveys indicate the increasing need for this program. This amendment would raise the level of funds for manpower programs by $41.9 million and go a long way toward assisting cities

throughout the country in coping with the unemployment crisis that now threatens us.

Another serious cutback already announced to many cities is the cutback in the Head Start program, one of the most successful and popular Federal programs now underway. This amendment would increase the funding by $59 million, restore cruel cuts from this program, and enable our children now residing in our cities to continue receiving benefits from this worthwhile program.

Since the inception of these programs both the League and the Conference have spent much of their overall legislation effort in supporting these anti-poverty programs. On behalf of the nation's mayors, we again today reiterate their continued support and goal of eliminating poverty from our citizens. It is with this goal in mind coupled with the grave unemployment picture now seen in our land that we urge passage of Amendment 1068 which restores cuts to programs so vital to our citizens at this time.

Sincerely,

PATRICK HEALY,
Executive Vice President
National League of Cities.
JOHN J. GUNTHER,
Executive Director
U. S. Conference of Mayors.

Mr. MAGNUSON obtained the floor.

Mr. COTTON. Mr. President, will the Senator yield to me before he begins so that I may make a parliamentary inquiry?

Mr. MAGNUSON. I yield.

Mr. COTTON. Mr. President, this morning we consulted with the Parliamentarian before asking for a division of these items in this amendment. My recollection was that we were informed that we could ask and obtain—or, to use the harsh word, "demand"—a division, which we did.

Now, as it appears from the debate as it has progressed to this point, there is no division actually, because the first vote would come on the overall sum and its administration by the OEO rather than other departments to which it would be farmed out. In other words, if the distinguished Senator from New York prevails on the first part of the amendment as divided, the other four are already decided and there is no division at all. Am I right or wrong?

The PRESIDING OFFICER. The Chair will not interpret the effect of the action, but a division was demanded, and it was granted, and the first vote will come on that part of the amendment beginning on line 1, page 1, through line 4, page 2, of the amendment.

Mr. COTTON. That part of the amendment of the Senator from New York is the overall sum which he adds to the bill, and the subsequent four, under the division, are merely allocations of that overall sum.

What I am trying to find out, so we know exactly what the parliamentary situation is, is this: the first part of the division, starting on page 1, line 1, is adopted, the whole sum is raised. So what is there to vote on when we come to the rest of the sums?

The PRESIDING OFFICER. The Senator may very well be correct on that.

Mr. COTTON. Mr. President, what does the Senator from New York say?

Mr. JAVITS. Mr. President, I hope that the Senator, who is a very able Senator is not going to tax me with the fact that I did my best to draft an amendment which would pose the issue in one vote. It is a fact that the amendments which ensue might go down and might present us with some kind of odd bill, but that has happened here before.

Mr. COTTON. May I say that I am not taxing the Senator with anything. I am not complaining. I want to have it clear in my mind. I can perhaps well understand that this division was ineffective. If so, I would want to know it.

Mr. JAVITS. No; I am not saying the division was ineffective. These are separate questions and the Senate may go either way on them. But it is a fact that if the first part of the amendment to be voted on carries, then the following will result: One, the amount will have been increased. Two, the devolution of authority, which is not only in this particular language but follows in other language, will have been substantially decided. Three, $398 million will have been earmarked for Headstart and $802,200,000 will have been earmarked for manpower.

Should the Senate turn down the latter parts of the amendment, it would result in an inconsistency in respect to what had already been done in part 1, but that does not stop the Senate from doing it.

I assume the conferees would feel that they had a right to make adjustments in conference other than those which they would make if every one of them had carried.

Mr. COTTON. Let us be specific, if I may propound one more parliamentary inquiry. Take, for instance, division 5, beginning on line 13 on page 2 of the amendment, which involves $7,417,000 for a conference on children and youth. The recollection of the Senator from New Hampshire is that they came in and got approximately $600,000 from us and appeared perfectly satisfied with it. At a time when we are bleeding at every pore financially, it would seem to me that this is an almost preposterous enlargement.

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

Mr. COTTON. I just want to finish my parliamentary inquiry.

If the Senator from New York prevails on the first vote, can the Senate or cannot the Senate reduce the amount in the last line of the amendment on line 15, page 2, that particular appropriation of $7,417,000?

Mr. JAVITS. Mr. President, may I be heard on the subject before the Chair rules?

Mr. COTTON. Mr. President, I now have a compilation of what is already in the bill.

Mr. JAVITS. That is right.

Mr. COTTON. I withdraw my parliamentary inquiry.

Mr. MAGNUSON. The only thing is that the amendment words it badly.

The PRESIDING OFFICER. Does the Senator withdraw his parliamentary inquiry?

Mr. COTTON. I withdraw the second parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from New York wish the floor?

Mr. MAGNUSON. May I inquire if it would be only for the youth conference?

Mr. JAVITS. No, it would not be only for the conference.

Mr. MAGNUSON. So the fact is that there are items which do not increase the amount of the bill?

Mr. JAVITS. We have rewritten it exactly to that effect. It is not as yet printed. I thoroughly agreed with the Senator that we should repeat the whole paragraph, which we have now done.

Mr. MAGNUSON. Very well.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. MAGNUSON. Could I ask for a division on each of the amounts stated? The total amount in amendment No. 1 adds $181 million to the bill when the individual items are all added up. There are many line items in the bill that involve different programs within OEO.

Is it possible for the chairman of the committee to ask for a division of that amount and have us take it up item by item? I am talking about line items—program items.

The PRESIDING OFFICER. The rule applies that a matter that is susceptible of a division may be divided.

Mr. MAGNUSON. It is susceptible of a division?

The PRESIDING OFFICER. The Chair would have to study it, if the Senator will suspend for a moment.

Mr. MAGNUSON. There are 15 line items within that one amendment.

Mr. JAVITS. Mr. President, I would like to be heard on that.

Mr. MAGNUSON. I ask the Senator not to be heard until I find out whether it is possible to do it. I have not said I was going to do it yet, but I might.

The PRESIDING OFFICER. The Senator from Washington has the floor. Does the Senator yield?

Mr. MAGNUSON. There is another item that I want to inquire about, and this has never been done before. In amendment No. 1 there is $43,900,000, and it is labeled "other programs." I do not know what those "other programs" are, but apparently we are giving them $43,900,000 to use any way they want to use it.

Maybe they are going to transfer that to 10 other departments for administration, as they have done in the past, administratively. I do not know what the "other programs" means. There is no testimony on them. We did not hear anything about it.

Mr. JAVITS. Mr. President, if the Senator will yield to me to explain the unallocated amounts——

Mr. MAGNUSON. The "other programs."

Mr. JAVITS. Yes; the other program. That is not part of the amendment itself; it is part of my explanation of the amendment. The Senator can argue whether we should or should not win on the amendment because of that item. I do not think there is any separation possible on that item, because that is the way we show we believe the $43 million, or some part of it, can be distributed.

The reason that there are funds allocated is because in the allocations we

have made, we have not touched the ceilings in many of these items.

Mr. MAGNUSON. What ceilings?

Mr. JAVITS. The earmarking contained in the original authorizing legislation.

Mr. MAGNUSON. Is the Senator talking about the authorization?

Mr. JAVITS. Yes; I am talking only about the authorization. We did a great deal of earmarking, and one of the flexibilities we gave to the administrator was that he could shift 15 percent of the allocation for any program to any other program. In the allocations which we have provided as to how we think the $181 million may be distributed, aside from the fixed figures which we have inserted with respect to Headstart and manpower, and we have provided a fund of $43 million which could be added to the various allocations as we have deducted from each allocation the transferable 15 percent. Except where the administration request or the committee recommendations were higher.

Mr. MAGNUSON. There was absolutely no testimony before our committee about that. We were down there for many long weeks. We heard from the OEO officials, and nearly 250 other witnesses, and now all of a sudden, we have "other programs" listed for $43,900,000.

The Appropriations Committee should be entitled to know what the "other programs" are going to be. Maybe they are good programs. All these programs are good programs. But it is just a question of our capabilities; how far should we go? If some of us had our way, personally, I suppose we would add some and take some away. But we came out, after long weeks of hearings and nearly 250 witnesses, and thought we had a pretty good bill.

OEO is in here for $2,063 million, which is over last year's amount—not too much, but over 1970—in the face of the fact that the administration has been constantly trying to move out of OEO other programs such as Headstart and the Job Corps.

Sometimes we do not know which ones they are going to move, so we say, "Let us give OEO what they suggested, and see what happens. But in the meantime, let us appropriate the money to the departments administering the programs like Headstart and the Job Corps."

That is all we said.

There is nothing wrong with that. The Senator from New York suggests, "Well, give them a chance to phase out."

We gave them that chance last year, and they did not do it. They did not get their house in order and change this pass-through procedure. As I said earlier today, they said piously, "Oh, we are going to do it next year."

It is pretty hard for an Appropriations Committee to keep track of appropriations when we give it to one department, and then they turn it over to another department—or sometimes they turn it over. They have meeting after meeting, and probably waste as much money as the Senator from New York suggests.

The PRESIDING OFFICER (Mr. FANNIN). The Chair is ready to respond to the parliamentary inquiry, as follows: On the first page of the Senator's amendment, beginning with line 1, the amendment reads:

> On page 42, line 1, strike out "$894,400,000" and insert in lieu thereof "$2,245,500,000",

Up to that point, it would be divisible. That part could be taken from the rest of the total of the first part. The first of the five parts of the Senator's amendment could be split into two parts, if the Senator demanded.

Mr. JAVITS. Mr. President, if the Senator from Washington will yield for a further parliamentary inquiry? This, then, modifies the previous view of the Chair that the amendment which I had submitted, with all the cosponsors, was divisible into five parts, and makes it six; is that correct?

Mr. MAGNUSON. Oh, it would make it probably 20——

Mr. JAVITS. No; that is not what the Chair is ruling. I regret to correct the Senator.

Mr. MAGNUSON. Each line item?

Mr. JAVITS. No; the Chair is not ruling that way, as I understand it.

The PRESIDING OFFICER. If such a request is made for division of the first part of the five, then the Senator from New York is correct, that there would be six parts.

Mr. JAVITS. There would be six parts?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. In other words, the material now contained on page 1, lines 1 and 2, up to the comma on line 2, would be the first item voted on?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. And then the words "and insert" and so on, down to and including line 4 on page 2, would be the second item?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. That is perfectly acceptable to me, Mr. President, if the manager of the bill wishes to make that further division.

The PRESIDING OFFICER. Does the Senator from New York make such a request?

Mr. JAVITS. I did not make the inquiry. That is up to the manager of the bill.

Mr. COTTON. Mr. President, will the Senator yield? I want to make a further parliamentary inquiry.

Mr. MAGNUSON. I yield.

Mr. COTTON. I think I understand clearly the present ruling, and I think it would undoubtedly be correct.

But here we are up against this situation, Mr. President: Actually, if the Senate is to have the opportunity to work its will on this whole item, one question is, forgetting all about the amounts of the increases, the dollars and cents, whether the Senate is going to go along with the committee and have these appropriations made direct to HEW or the Department of Labor or other departments that are going to do the work.

Then, after we get that question settled, we step into the matter of the increase, as the amendment is drawn and as has just been ruled by the Chair the overall increase. Then we go into the allocation of the increase, if we have accepted it.

I do not know whether that kind of division is possible, but as a practical matter, I submit to the Chair for his consideration and the consideration of the Parliamentarian that that is about the only way the Senate could intelligently work its will: First, take care of who is to get the money, then take care of how much money we are going to give them, item by item.

Mr. MAGNUSON. Does the Senator move for such a division?

The PRESIDING OFFICER. By unanimous consent, the Senate could carry the order in which the parts of the divided amendment are to be taken up.

Mr. COTTON. I make such a unanimous-consent request.

Mr. JAVITS. What is the Senator's request? I did not get it.

Mr. COTTON. The request is that we agree to vote first on whether whatever money we appropriate, whatever amount we add, is to go to the OEO to be distributed as it sees fit, or whether it is to go, as the committee recommends, direct to the departments that are administering it; and then, after that, start with the amounts and decide how much goes to Headstart, how much goes to manpower training, and how much goes to the other items in the Senator's amendments, all these other specified items we are talking about.

The PRESIDING OFFICER. For the edification of the Senator from New York, it is the understanding of the Parliamentarian that the Senator from New Hampshire is requesting unanimous consent that part 1 of the five be acted upon last.

Mr. JAVITS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COTTON. Part 1 of the five?

The PRESIDING OFFICER. That part 1 of the five parts be acted upon last. That would be what the Senator would be attaining if his request was not objected to, but objection was heard.

Mr. COTTON. In other words, there is no part that is simply devoted to whether this is administered by the OEO or the other agencies, is there?

The PRESIDING OFFICER. The Chair says to the Senator from New Hampshire that this is an interpretation, and the Chair is not in a position to interpret.

Mr. COTTON. I do not ask the Chair to interpret. I am asking unanimous consent, which undoubtedly will be refused. I am asking unanimous consent. The Senate can do anything by unanimous consent.

The PRESIDING OFFICER. Almost anything. The Senator is correct.

Mr. COTTON. Therefore, if there were no objections and we were allowed to vote, without taking into consideration the increases requested by the Senator—vote first on the language that affects the OEO in contradistinction to these other departments—if that were consented to, we would have a chance to settle that and then go into dollars and cents. That was my unanimous consent request.

The PRESIDING OFFICER. Is the Senator requesting a ruling on that?

Mr. COTTON. I am.

The PRESIDING OFFICER. Is the Senator asking unanimous consent?

Mr. COTTON. I am.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. I object.

The PRESIDING OFFICER. The Senator from New York objects.

Mr. JAVITS. Mr. President, may I be recognized?

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, a Senator has a right to make what amendment he chooses. Since I have been a Member of the Senate, we have not voted on general propositions; we have voted on amendments.

I have an amendment, and I hope it will be voted on, period. If the arguments which are made by my colleagues result in the Senate deciding that it wants to defeat my amendment, that is the Senate's privilege. But I do not see how, by unanimous consent, I can be made to change an amendment or put some general proposition before the Senate which is not even in writing as an amendment. So I object.

Mr. COTTON. We know why the Senator objects. It is very clear.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. MAGNUSON. Mr. President, I am sorry the Senator has objected, because the proposition of whether we appropriate money to the agency that spends it or appropriate it to another agency which in turn passes it along to an agency that spends it is a very serious matter with the Appropriations Committee. But the Senator, in his amendment, has also added $181 million. It is in that amendment, too. There are substantial increases.

If it were just an amendment to knock out appropriating the money that we appropriated to Labor and HEW—OEO money—the same amount as we have, we could vote on that and vote it up or down, and then we could go back and vote on these items. On some of these items I agree with the Senator, but I do not agree on turning everything back to OEO.

If the administration wants OEO to administer these programs, that is fine with me. We can put the money in there—we all will. But how can we operate an Appropriations Committee by appropriating money to one agency which in turn determines what the other agency is going to do to administer it? We have never done that since I have been a member of the Appropriations Committee, and we are trying to clear it up.

The Senator from New York says, "Give them time." We asked them last year to do it, and they did not do it. The truth of the matter is that they apparently want to take away from OEO some of these things by administrative fiat, but they can get more money through the OEO route than through the route of Labor and HEW. That is the truth of the matter. I am sure the Senator from New York agrees with me on that.

Now it is going to be worse. I do not oppose the Senator's amendment on the ground of specific increases for some of the items. In fact, the Senator from New Hampshire and I are going to suggest an increase in a couple of these items. But the Senator from New York is getting it mixed up with fiscal management of OEO. If we are going to increase Headstart, let us put it in the agency that is administering it. Is there anything wrong with that?

Mr. JAVITS. Will the Senator allow me to tell him?

Mr. MAGNUSON. Yes.

Mr. JAVITS. For the last 2 years, we have been appropriating exactly as my amendment seeks to appropriate, so this is not a matter of first impression. It is not we who want to change it. It is the Appropriations Committee which wants to change it.

Mr. MAGNUSON. Because that has been wrong.

Mr. JAVITS. I understand. That is what the Senator's contention is. Our contention is that it has not been wrong and that we intended, when we first passed the legislation, to do this very thing for a number of years, because we thought that legislatively that was the most intelligent plan. And it is not improvident.

The fact is that there are delegation agreements between the OEO and the Department of Labor and HEW which cover all the items that the Senate has been discussing. It is just that the Appropriations Committee has decided, in its sovereign wisdom—and it is a very wise committee—that it is not only the Appropriations Committee but also the Legislative Committee. So the way the Appropriations Committee wrote it, the money goes to these agencies. We have the right to write it differently, the way we think it ought to be, based upon the precedent.

Mr. MAGNUSON. What precedent?

Mr. JAVITS. The precedent of the last 2 years.

Mr. MAGNUSON. This is what we are trying to correct.

Mr. JAVITS. This is what the committee is trying to correct, but they are not the people who know the most about it. We think we know the most about it, and we think it should go on.

Mr. MAGNUSON. If the Senator from New York thinks he has any monopoly on wisdom, he is sadly mistaken.

Mr. JAVITS. I did not say that.

Mr. MAGNUSON. The Senator may have a geographical monopoly, but nothing else.

Mr. JAVITS. I did not say that. I said the Committee on Labor and Public Welfare, which developed the original legislation which passed the Senate. The Senate itself—not I, not the Senator from Washington—the Senate itself worked out this plan for a number of years, and that does not expire until July 1, 1971.

The Appropriations Committee does not want to amend the legislation. The committee wants to amend it in the appropriation bill, and we do not propose to let the committee do it, if we can stop it, because we do not think it is good policy. That is what is at stake.

The Appropriations Committee said it wants to change what we legislated, which is the law, and it wants to change it by giving the money directly to these Government departments. We say that we decided all together—the entire Senate, the entire House, and the President—that we were going to give the OEO, under delegating authority—with the opportunity to contract with these agencies, which it has done. We consider that the best way, for a number of years, to enable it to mobilize its resources to do the job on poverty, including the various community action agencies, and the poor themselves.

We are not trying to change anything. We are trying to leave it as it is until next July 1. It is the Appropriations Committee which comes in with an appropriation, written the way it wants to write it, which gives this money to these Government departments.

Mr. MAGNUSON. What will happen on July 1?

Mr. JAVITS. On July 1, we hope——

Mr. MAGNUSON. To turn it back to the agencies that administer it?

Mr. JAVITS. Yes.

Mr. MAGNUSON. Why not do it now?

Mr. JAVITS. We believe that situation may be ready then, and it is not ready now.

Mr. MAGNUSON. I have heard more witnesses on HEW and OEO, 10 times more, than the Senator from New York.

Mr. JAVITS. The Senator from New York would never contest with his colleague and peer about efficiency or competence or expertise, and I was not making that claim. I was only saying that this is the state of the law.

Mr. COTTON. Mr. President, is there some way that someone else can get into this tea party for a moment? Will the Senator yield to me?

Mr. MAGNUSON. It might appear that we had some monopoly on this.

Mr. COTTON. I should like to say to the Senator from New York—and there is no need for any heat over this—that the Senator from New Hampshire is not all excited and warmed up about whether this goes to OEO and then is farmed out. The Senator from New Hampshire feels that it would be better, more economical, more logical, more efficient, to go to the department that is going to administer it.

But what the Senator from New Hampshire is somewhat incensed about—and I ask the Senator from New York to note that the word is incensed, not angered—is that this amendment is so drawn, so drafted, that the Senate has either to reject or to swallow the whole ball of wax when it comes to the dollars and cents, without being given the opportunity or the chance to work its will on each item.

The Senator from New Hampshire would like to see the Headstart program increased. When the proper time comes, if we are given a chance, I would state how much, as one Member, I would be willing to be in favor of increasing it. Some of the other items the Senator from New Hampshire does not feel should be increased.

I do not ask the Senate to agree with me. I do not ask the Senator from New York to agree with me. But, Mr. President, I do somewhat resent having thrust down my throat an omnibus proposition here that does not give the Senate a chance to work its will and differentiate and establish its opinion as to the priorities and the worthwhileness of the various programs.

I admire the distinguished Senator from New York (Mr. JAVITS). I have always admired him. I have always liked him very much. I admire him because he is one of the greatest lawyers I have ever known. I say that if I am ever hauled up for murder or treason, I can think of no one I would rather have defend me than the Senator from New York because he could find a hole for me if there is a hole there. [Laughter.]

He has skillfully prepared this amendment. He can talk about these other programs and the noble band of valiant crusaders associated with him in this project, but having read his legislation and having served with him on committees, he prepared this amendment very skillfully.

We have been fooling around here all day. I went up to him and tried to get a division, but here we are in this squeeze. Let there be no misunderstanding that we are in a squeeze where we will not have an opportunity to vote on the various items such as Headstart or the rest of them. We have to take it all or reject it all.

When I asked unanimous consent to take off the shackles from the arms of the Senate and let the Senate, not the Appropriations Committee—we are not trying to thrust this thing down the throats of Senators—but to let the Senate decide, all the Senator from New Hampshire asked was to give the Senate a chance to vote and differentiate between priorities in this ball of wax that the Senator from New York has so skillfully and adroitly encompassed in his amendment. He says "No." I know that many Senators would like to vote for more money for Headstart but they might not swallow the rest of this. The Senator from New York knows that very well, too.

If we adopt this kind of amendment, let me say that this is one Senator, if we are going to legislate this way, that hopes the President will veto the bill, and this time I will vote to sustain that veto.

Mr. MAGNUSON. Mr. President, I want to say to the Senator from New York that about the money items we have little or no argument. One of the reasons we acted on this this year was that the OEO and the administration last year—remember we waited until sometime in late November for the administration to even decide they would authorize the OEO programs. So we said: "We do not know whether they want the OEO in the bill or not."

All we suggest now is that when we appropriate the money, we appropriate it to the people that will actually administer it. We say it is more efficient that way.

Let me tell you something, this may not be true in your area, but this pass through and delegation has caused a great deal of confusion among the people who work out in the field. They, these local people, do not know whom to deal with. They do not know whether they get their orders in Headstart from OEO or from HEW. It has stopped, confused and delayed many programs, I know, out in the western areas. If they had one arrangement that was running, then they go and change it. This is not the way to do business.

If one goes to the bank to get money he does not ask the banker to give it to someone else who is also a depositor in the same bank and then have it shifted over to his account.

We have the responsibility of financing these programs. I am hopeful that we can vote on these items—some of the items in here. I have never seen an amendment like this before, and I have been around here a long time and have had a lot of amendments up, but here is one which has two, three, four, five, six, seven, eight, nine, 10, 11, 12, 13 14, 15—up to 15 line items that involve separate and important programs. As the Senator from New Hampshire said, all in one ball of wax. Here is $43 million for "other programs" that we never heard about in the committee. And there is something here in the work and training program.

I will say to the Senator from New York that the committee did not give enough money for two or three of those items.

We talked this morning, I think, on Headstart because since we have heard the witnesses, there have been more problems on that so that we are going to submit an amendment ourselves, moneywise, to rectify this situation.

Thus, I do not know, yet, what role OEO should play in this. Maybe we should appropriate it all to OEO and not have the other departments run it, but the current situation is impossible.

I hate to oppose some of these money items because no one has been more dedicated to some of these programs than I have over the years. I have watched them grow and grow successfully. But now here, the Senator from New Hampshire and I could be placed in a position where someone might say that we voted against Headstart, for instance. We never have. We never did that in our lives. We do not intend to do so.

This amendment is not particularly embarrassing to me but it could be embarrassing. I am hopeful that the Senator from New York over the evening will think about letting us vote on the money items, and then we will take up the question of fiscal management. If the Senate wants to keep it the way it is until the next session—we have heard that now for two sessions—if they want to keep it that way, they can vote it up or down; but on the money items, they are too important to be put into this mish-mash or this ball of wax.

Now, Mr. President, obviously we are not going to vote on the amendment tonight. If I may have the attention of the Senator from New York, we shall probably want to vote on it tomorrow sometime.

Mr. JAVITS. Mr. President, will the Senator from Washington yield briefly?

Mr. MAGNUSON. I yield the floor.

Mr. JAVITS. I would like to say to the Senator from Washington that I am very much distressed by the way this has developed. I think it would be a great disservice to the legislation if we took our eyes off the ball. Apparently that is what is happening here tonight. Just as the Senator from Washington asked me to think it over, which I solemnly promise to do, I will answer the statement of the Senator from New Hampshire, that this is some brilliant lawyer's trick, in a minute. It is not.

Mr. COTTON. I did not say "trick."

Mr JAVITS. Some kind of lawyer's move. But I would say to the Senator that I hope he wants to consider thinking this over tonight, also. In the first place, the Senator from New Hampshire and the Senator from Washington will be the main conferees. I have been a conferee, of course, and I know that the conferees have the authority over what the results actually will be. I am not interested in brownie points but in results. Thus, I will think this matter over but I also ask you gentlemen to do a little thinking, for this reason: Really what we are contending for is that the present practice—which is pretty well hedged in—be continued until June 30, 1971, and that then it be changed. I know that it will be done.

I say that it is hedged in for the reason that there are delegation amendments. I ask unanimous consent, Mr. President, that the agreement between the OEO and the HEW on Headstart program and the agreement between the OEO and the Secretary of Labor be printed at this point in the RECORD.

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

OFFICE OF EQUAL OPPORTUNITY,
Washington, D.C., July 2, 1969.

To persons who attended the May 22 meeting on the Head Start delegation:

GREETINGS: Director Rumsfeld has asked me to send you the enclosed copy of the executed delegation to HEW of authority to operate Head Start, together with a Memorandum of Understanding.

The pace of negotiations was such that we did not arrive at a draft that seemed appropriate for circulation in time to get your comments beforehand. You will note that the documents are subject to review, so we will be happy to have your comments at any time.

Sincerely,

ROBERT PERRIN,
Acting Deputy Director.

OFFICE OF ECONOMIC OPPORTUNITY—DELEGATION OF AUTHORITIES TO SECRETARY OF HEALTH, EDUCATION, AND WELFARE

1. Pursuant to Section 602(d) of the Economic Opportunity Act of 1964 (hereinafter "the Act"), I delegate to the Secretary of Health, Education, and Welfare (hereinafter "the Secretary") the powers vested in me by Section 222(a)(1) of the Act (Project Head Start).

2. I further delegate to the Secretary subject to the terms of the Memorandum of Understanding referred to in paragraph 5 below those powers under Sections 222(b) (except the power to conduct research), 225 (c), 230, 231, 233, 241 (except 241(a)(2)), 242, 243, 244(1), 244(2), 244(7), 602 (except 602(d)), 603(b), 604, 610–11, and 617 of the Act to the extent deemed necessary or appropriate for the performance of functions delegated to him in paragraph 1 above.

3. Resources for Project Head Start shall be included in the OEO budget and allocated by OEO to the Secretary. In planning, developing, and allocating the annual budgets and supplementals or amendments thereto, OEO shall consult with the Secretary and obtain his recommendations for requirements. The Secretary shall support and assist OEO in the presentation and justification of the budget to the Bureau of the Budget and the Congress.

4. All operating information, evaluation reports, and other data concerning Project Head Start shall be freely exchanged pursuant to Section 602(d) of the Act.

5. The powers delegated herein shall be exercised in accordance with such memoranda of understanding as have been or shall be entered into by HEW and OEO.

6. The powers delegated herein may be redelegated by the Secretary to other officials of HEW with or without authority for further redelegation.

7. This delegation shall take effect on July 1, 1969.

DONALD RUMSFELD,
Director, Office of Economic Opportunity.

Date: July 28, 1969.

Approved:

RICHARD NIXON,
President of the United States.

Date: June 30, 1969.

HEADSTART MEMORANDUM OF UNDERSTANDING

In anticipation of the delegation of Project Head Start to the Department of Health, Education, and Welfare (HEW), OEO and HEW agree to the following:

A. POLICY

1. HEW shall maintain a quality, comprehensive Head Start program, including, but not necessarily limited to, physical and mental health, educational, parent involvement, nutrition and social service activities and follow-up activities. Expansion of the program to serve additional children shall not be accomplished at the expense of program quality.

2. Grants to carry out local programs shall be made directly to public and private nonprofit organizations.

(a) In areas where a community action agency (CAA) exists and wishes to be the grantee, the CAA shall be the grantee unless there is clear evidence that the program will be superior under another grantee.

(b) Notwithstanding the provisions of subparagraph (a), in areas where an organization exists which is a grantee under Title III–B of the Act, that organization shall, if it wishes, be the grantee for any Head Start program designed to serve migrants unless there is clear evidence that the program will be superior under another grantee.

(c) If HEW proposes to fund an agency other than a CAA or Title III–B grantee, as the case may be, in an area where such an agency exists, HEW shall solicit the views of such agency prior to funding. If the agency does not concur in the proposed funding, HEW shall solicit the views of the OEO Regional Director. If the OEO Regional Director does not concur in the proposed funding, HEW shall make the grant only with the concurrence of the Director of OEO.

3. Local programs shall be required to engage in vigorous recruitment of children in the community who would benefit most from participation in Project Head Start, including children of migrant laborers who do not reside in the community all year round.

(a) At least 90% of the children served by each local program shall come from families which meet the OEO poverty criteria in effect at the time of enrollment. The poverty criteria shall be as prescribed by OEO Instruction 6004–1 and any subsequent modification to that Instruction. If a child meets the poverty criteria at the time of entry, he will remain eligible as a low-income child for Head Start and Follow Through programs until such time as his family's income rises more than $3,000 above the poverty line.

(b) Measures shall be taken to assure that center locations and attendance zones are selected in a manner which will discourage racially or ethnically segregated programs, and that local programs make diligent efforts to recruit enrollees from all racial and ethnic groups in the attendance areas served by the program. Where the ratio of members of any identifiable racial or ethnic group enrolled in the program to the total enrollment in the program is significantly smaller than the ratio of eligible members of that group to all eligible persons in the area served by the program, the grantee shall be required to demonstrate that diligent recruitment has taken place.

4. Local programs shall be required to use professional and nonprofessional volunteers to the fullest extent possible.

5. Measures shall be taken to foster the maximum possible participation of parents in the program.

(a) Each local program shall establish a policy advisory group for each important decision-making level. At least 50% of the members of each such group shall be parents of children enrolled in the program. The functions of a policy advisory group shall include the following:

(i) Participation in the development of, and concurrence in, applications for funding and refunding; and

(ii) Participation in the selection of the Program Director and in the establishment of criteria for the selection of other staff personnel.

(b) Each local program shall encourage participation of parents in the classroom as paid employees, volunteers, or observers; shall make home visits by teachers and others a part of its program; and shall develop and carry out a plan of parent education activities.

6. Local programs shall be required to adopt personnel policies that will foster employment of qualified personnel, create employment opportunities for nonprofessionals, and establish a career development system which includes adequate training.

(a) A college degree and professional certification shall not be necessary preconditions to professional employment, unless applicable law so requires.

(b) Qualification criteria, including those used in summer Head Start programs operated by school systems, shall not operate so as to limit employment to persons already within an organization.

(c) Preference in the filling of nonprofessional positions in local programs shall be given to parents of low-income children enrolled in the program and other residents of this area served whose family income falls below OEO's poverty line, as set forth in OEO Instruction 6004–1 or its successor.

7. A vigorous program of training and technical assistance to grantees and prospective grantees shall be undertaken. Special attention shall be given to communities which might be unable to operate a program effectively if they could not obtain substantial training and technical assistance.

B. ORGANIZATION AND STAFFING

1. HEW shall establish Head Start staffs in Washington and such regional offices as may be necessary to administer the program.

2. Rights and obligations of OEO employees identified with Project Head Start shall be determined in accordance with the principles set forth in subchapter 3 of Ch. 351 of the Federal Personnel Manual. HEW and OEO agree that Project Head Start is a "function" as that term is defined in the FPM, Ch. 351, Sec. 3–1(a), and that the delegation of Project Head Start to HEW is a "transfer of function," as that term is defined in the FPM, Ch. 351, Sec. 3–1(b).

3. With the concurrence of HEW, OEO may enter into, extend or supplement contracts under which services or products are provided to Project Head Start, except that when an extension or supplement does not affect Project Head Start, the concurrence of HEW is not required. HEW shall reimburse OEO for the share of payments under such contracts which is fairly allocable to the work done for Project Head Start.

C. COORDINATION

1. *Policy.*

(a) Primary authority to set Head Start performance criteria shall rest with OEO. This authority will be exercised in close concert and consultation with HEW. In the event that HEW objects to performance criteria proposed by OEO, the final decision shall be made by the Director of OEO.

(b) Primary authority to initiate policies, regulations, and issuances for the operation of Project Head Start shall rest with HEW. OEO's comments and consultation on all proposed policies will be solicited. OEO's concurrence will be obtained for any new policies, or changes in existing policies, which would have major impact on the operation or design of Project Head Start.

2. *Existing Grants and Contracts.*

(a) All multi-purpose grants to CAAs made by OEO prior to July 1, 1969, and containing a component under which a local Head Start program (summer or full year) is to be operated shall be administered by OEO until the end of the program year funded by the grant.

(b) Existing grants for the operation of Parent and Child Centers shall be administered by HEW commencing July 1, 1969. However, OEO may retain the administrative responsibility for not more than ten such centers, to be selected by OEO, in anticipation of funding them as experimental centers under Section 232 of the Act upon expiration of their current grants. HEW and OEO shall jointly decide which of any additional Parent and Child Centers shall be funded and administered as experimental centers by OEO and which shall be funded and administered by HEW.

(c) All other single-purpose grants made by OEO prior to July 1, 1969, under which a local Head Start program (summer or full-year) is to be operated shall be administered bq OEO until September 30, 1969, provided that at the request of the Director, Office of Child Development, OEO will transfer the administration of any grant or group of grants

subject to this subparagraph prior to September 30, 1969.

(d) At the request of HEW, OEO will process and/or make any grants whose current program year ends between June 30, 1969 and September 30, 1969. All grants subject to this subparagraph shall be made as single-purpose grants, for Head Start only, including the funding of local programs which previously were funded as components of a CAA grant. The administrative responsibility for grants made pursuant to this subparagraph shall be governed by subparagraph (c) above.

(e) Until such time as all questions arising out of annual audits under section 243(c) of the Act are disposed of, OEO shall retain responsibility for dealing with administrative problems arising out of activities under the grant which took place before or during the last full program year for which OEO had administrative responsibility. Thereafter, HEW shall have complete administrative responsibility. In the event that the responsibility for the administration of a single-purpose grant is shifted to HEW while a program year is in progress pursuant to subparagraphs (b), (c), and (d) above, HEW shall be responsible for dealing with administrative problems such as audit disallowances arising out of activities which took place during that portion of the program year for which OEO originally had administrative responsibility. HEW shall be fully responsible for the funding and administration of agencies to carry out local Head Start programs subsequent to the end of the last full program year for which OEO had administrative responsibility.

(f) Responsibility for the administration of Head Start training and technical assistance grants and contracts, and all other contracts relating exculsively to Head Start, except research contracts, shall shift to HEW on July 1, 1969. OEO shall continue to be responsible for the administration of contracts under which work is done both for Project Head Start and for other OEO programs, subject to the provisions of paragraph B–3 above.

(g) At the request of HEW, OEO shall be responsible for the processing of procurement requests under which performance is scheduled to begin between July 1, 1969 and August 15, 1969, but responsibility for administration of such contracts shall rest with HEW.

(h) After June 30, 1969, any guidelines and policies formulated by HEW pursuant to paragraph C1(b) shall be applicable to Head Start programs administered by OEO pursuant to subparagraphs, (a), (c), and (d) above unless an exception is made by mutual agreement.

3. Evaluations.

The division of responsibility for evaluation shall be as follows: OEO shall be primarily responsible for Type I evaluations. HEW shall be primarily responsible for Type II and III evaluations. HEW may also carry out Type I evaluations but only with the specific concurrence of OEO. OEO may also carry out Type II evaluations. Type III evaluations may be performed by OEO with the concurrence of HEW. The definitions of the three types of evaluations shall be as set forth in OEO Instruction 3300–1.

All evaluations shall be conducted in accordance with the evaluation program required by and developed pursuant to OEO Manual 3100–1.

Each agency shall make available to the other the results of any evaluations it causes to be conducted.

4. Research and Experimentation.

(a) OEO will, for the purpose of achieving maximum coordination with HEW's research strategy for child development, consult with HEW in the development of the plan required by Section 232(b).

(b) HEW shall encourage the development and testing of new approaches and alternative patterns or styles of providing Head Start services. To the extent provided in the budget, HEW may use operating funds to test new approaches in selected communities by funding experimental programs which depart in one or more respects from normal operating requirements (other than those required by statute or set forth in paragraphs A–1 through A–3 above). In such cases, grantees may be required to include provision for evaluation of the new approach as part of their operating expenditures. HEW shall keep OEO informed of developments under this procedure, and shall consult with OEO in the formulation of any national models for such experimental programs.

5. Appeals.

OEO will be consulted before a decision is made in any case in which, pursuant to procedures established under Section 604 of the Act, (1) an organization which would like to serve as a delegate agency appeals from an adverse decision by a community action agency, or (2) a grantee other than a community action agency requests an opportunity to show cause why an application for refunding should not be denied.

6. Liaison.

OEO shall establish a liaison office to work with HEW Head Start staff in order to assure the full flow of information between the two agencies.

7. HEW shall have the primary responsibility for inspection and audit of those grants and contracts for which it has administrative responsibility. However, appropriate interagency arrangements will be made to comply with BOB Circular A–73 and avoid duplication of audit effort at those grantees and contractors which administer both Head Start and other OEO grants and contracts. OEO may, after notifying HEW, initiate such special inspections of Head Start grants and contracts as it feels necessary. Each agency shall make its inspection and audit reports available to the other.

8. After consultation with HEW, OEO may fund child development programs similar to Project Head Start to the extent that such programs are authorized by Sections 221, 232, or 312 of the Act.

9. HEW shall secure OEO's concurrence before making any change in the criteria for waiving all or a portion of the non-Federal share required under Section 225(c) of the Act.

10. OEO shall develop a plan for allocation and reallocation among the States of funds subject to Section 225(a), and the concurrence of HEW shall be required for that portion of the plan affecting the distribution of Head Start funds. OEO shall secure HEW's concurrence before making any separate allotment under Section 225(b) of the Act which would substantially affect Head Start.

11. HEW shall administer Head Start in such a way as to maximize the coordination with other programs which is described in Section 638(2) of the Act.

12. OEO concurrence shall be a prerequisite to the initial funding of any project which is designed to serve both Head Start and other children and in which Head Start funds are to be used to pay the costs of the Head Start children while other resources are used to pay the costs of other children.

D. PLANNING-PROGRAMMING-BUDGETING

1. In performing the budgeting and programming functions, OEO and HEW agree to adhere to OEO Manual 3100–1 entitled "The OEO Planning-Programming-Budgeting System."

2. HEW and OEO shall jointly develop procedures and take other necessary steps to enable excess non-Federal share contributed to a Head Start or Follow Through program to be applied to the non-Federal share requirements of other Title II programs in the community, and to enable excess non-Federal contributions to Title II programs administered by OEO to be applied to the non-Federal share requirements of Head Start and Follow Through programs in the community.

3. In accordance with Section 243(c) of the Act, and subject to the limitations therein, an audit disallowance arising out of a grant made to a grantee under Title II of the Act by either OEO or HEW may, if the agency which made the grant and the grantee so agree, be wholly or partially satisfied by an increase in the non-Federal share required under any grant made to the same grantee by either OEO or HEW.

E. REVIEW OF AGREEMENT

This memorandum shall be reviewed at the request of either party.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.
Date: June 28, 1969.

DONALD RUMSFELD,
Director, Office of Economic Opportunity.
Date: June 28, 1969.

OFFICE OF ECONOMIC OPPORTUNITY—DELEGATION OF AUTHORITIES TO SECRETARY OF LABOR

1. Pursuant to Section 602(d) of the Economic Opportunity Act, the powers of the Director under Title I, Part A (Job Corps) of the Economic Opportunity Act are hereby delegated to the Secretary of Labor except for the reservations specified herein. The powers of the Director under Sections 602 (except 602(d)) and 610–11 of the Economic Opportunity Act are also delegated to the Secretary of Labor to the extent he deems necessary or appropriate for carrying out his functions in exercising his powers under Title I, Part A.

2. a. The personnel, property, and records of and in support of the Job Corps are hereby transferred to the Secretary of Labor, except that officers or employees appointed by the President shall not be transferred.

b. The Secretary of Labor is designated contracting officer in all existing contracts implementing Title I, Part A (Job Corps), except contracts identified in Attachment A, and shall succeed to all rights, duties, and obligations (including auditing responsibilities) of the Director under all other agreements; except that OEO shall retain the responsibility for settling termination claims arising under contracts terminated prior to July 1, 1969.

c. Tort claims, and claims lodged under Section 116(b) of the Economic Opportunity Act, arising against the Job Corps prior to July 1, 1969, shall be processed and settled by the Labor Department.

3. The delegated powers may be redelegated by the Secretary to personnel within the Labor Department with or without authority for further delegation.

4. The Director will retain and exercise the following authority:

a. The authority to conduct overall planning (including programming and budgeting operations), and to perform evaluations of the Job Corps program.

b. The exclusive power to make grants or contracts for experimental, experimental research, and demonstration projects as specified in Sections 113(b) and (c) of the Economic Opportunity Act.

5 Further, the delegated and retained powers herein shall be exercised pursuant to such Memoranda of Understanding as have been or shall be agreed to between the Agencies.

Agreements have been or shall be concluded which create procedures for (a) establishing basic policies, (b) formulating budget and program plans, (c) setting criteria for assessing performance, (d) providing guidelines for conducting evaluations, (e) disposing of property which may no longer be required in connection with the

Job Corps program, and (f) approval of experimental, experimental research, and demonstration projects.

6. All operating and budget information, evaluation reports, audits, inspection reports, and other data concerning Title I–A, shall be freely exchanged between the Director and the Secretary, pursuant to Sections 602(d) and 633(b) of the Act.

7. This Delegation is effective July 1, 1969.

DONALD RUMSFELD,
Director, Office of Economic Opportunity.
Dated June 24, 1969.

Approved:

RICHARD NIXON,
President of the United States.
Dated June 30, 1969.

ATTACHMENT A

DELEGATION OF AUTHORITIES TO THE SECRETARY OF LABOR

Contractor	Contract No.	Product or services	Amount of contract
State of Maryland	4482	Job Corps Skill Center in Baltimore	$2,748,359
Milwaukee public schools	4780	Milwaukee school system coordination feasibility study	9,112
Seattle public schools	4773	Model program, Career Planning Center	286,299

MEMORANDUM OF UNDERSTANDING

In anticipation of the Delegation of the Job Corps to the Department of Labor effective July 1, 1969, and pursuant to paragraph 5 of the proposed Delegation Agreement, OEO and the Labor Department agree as follows:

1. Establishment of mission, overall performance criteria, and operating policies.

a. Primary authority to prescribe Job Corps mission and overall performance criteria shall rest with OEO. This authority will be exercised in close concert and consultation with the Labor Department.

b. Primary authority to initiate policies for the operation of Job Corps rests with the Labor Department. OEO's comments and consultation on all proposed policies will be solicited, and it is agreed that any new major policies, or modifications of existing major policies, affecting the mission of the Job Corps, will be submitted by the Labor Department to OEO for concurrence no less than 30 days before issuance.

"Major" policies affecting mission include those which affect (1) the program structure of Job Corps and Job Corps Centers, (2) the eligibility criteria of enrollees, or (3) the broad type of support given enrollees.

c. It is further agreed that Job Corps shall admit as enrollees only applicants who are "low income individuals or members of a low income family" (Section 103(2), EOA), in accordance with criteria established by OEO.

2. Budgeting and Programming.

In performing the budgeting and programming functions, the parties agree to adhere to OEO Manual 3100–1 entitled "The OEO Planning-Program-Budgeting System," and any subsequent modifications to that Manual. The parties shall strive to achieve as smooth and effective a reconciliation between the OEO budget system and the Labor Department's budget system as is possible.

3. Evaluations.

The division of responsibility for evaluation shall be as follows: OEO shall be primarily responsible for Type I evaluations. Labor shall be primarily responsible for Type II and III evaluations. Type I evaluations designed and initiated by OEO shall be submitted to Labor for comment. Labor may also carry out Type I evaluations but only with the specific concurrence of OEO. OEO may also carry out Type II evaluations but shall submit the plans or designs for such evaluations to Labor for comment.

Type III evaluations may be performed by OEO with the concurrence of Labor. The definitions of the three types of evaluations shall be as set forth in OEO Instruction 3300–1.

All evaluations shall be conducted in accordance with the evaluation program required and developed pursuant to OEO Manual 3100–1.

Each agency shall make available to the other the results of any evaluations it causes to be conducted.

4. Experiments, Research, and Demonstrations.

OEO retains the exclusive right to plan and undertake experimental, experimental research, and demonstration projects as specified in Sections 113(b) and (c), provided that it shall develop such projects only after close and careful consultation with the Labor Department. In cases where such projects are to be conducted at centers operated by the Labor Department, the concurrence of the Department shall be obtained.

5. Property.

a. It is agreed that after July 1, 1969, any Job Corps property of facilities which are not being used in connection with currently operating centers shall, insofar as not otherwise inconsistent with terms of leases, licenses, use permits, or similar instruments, or Federal Property Management Regulations, be available to Labor or OEO in accordance with the following priorities: (1) first to the Labor Department for use in other centers being operated under Title I–A, EOA, (2) second, to OEO for use in other OEO programs, and (3) third, to the Labor Department for use in other programs not run under Title I–A of the EOA.

b. Maintenance, storage, and custodial expense of idle property or facilities shall be borne by the Labor Department out of Title I–A funds. If, pursuant to subparagraph 5(a) (2) or (3), supra, OEO or Labor uses this property or these facilities, maintenance and custodial expenses will be assumed thereafter under the appropriate funding (appropriation) of those agencies.

c. If no use can be made by the Labor Department or OEO of idle property or facilities, then they shall be either surrendered to the Departments of Agriculture or Interior (in the case of improvements and facilities located on lands belonging to these agencies) or declared excess and processed through normal excess property channels, and costs associated with the maintenance and custody of these idle facilities, or property, shall thereafter be borne by the transferee.

OEO and the Labor Department will each establish a liaison office to maximize communication and cooperation between the agencies.

In furtherance of the free flow of information, open and free access to Job Corps programs and sites will be accorded OEO personnel (including officials of the OEO Inspection Office). The appropriate DOL Regional Manpower Administrator will be informed of planned visits by such personnel, normally no less than one week in advance, and it will be his responsibility to inform the project management of the date(s) of those proposed visits and names of the visitors.

7. Review of Agreement.

This Agreement will be reviewed at the request of either party.

Signed: GEORGE P. SHULTZ,
Secretary of Labor.
DONALD RUMSFELD,
Director, OEO.

Mr. JAVITS. Mr. President, the administration—which is, incidentally, more on the Senator's side than on mine in this matter, in my judgment—admits it. They have the OEO right there. They are not going to play fast and loose.

We feel in the legislative committee that we gave a few years for the transition. We fought to decide whether it should be 5 years or 3 years. They ought to have an opportunity to reshape the OEO. The poverty programs in the country should be oriented with the fact that hereafter they will be dealing substantially with the Department of HEW and the Department of Labor. It is not for the purpose of expertise or any other purpose.

The Senator from Washington says that this is some brilliant legal move. It is not. If I were on the Senator's side, I could give several ways in which the matters which the Senator wants could be passed.

Mr. MAGNUSON. Mr. President, I would as soon have the Senator from New York defend me for murder. But I do not want him to draw any amendments for me, because it would confuse the jury.

Mr. JAVITS. Mr. President, there are several ways in which the matters the Senators want to have passed can be passed.

The Senate will be faced with these issues again in the future.

I would suggest that we suggest the absence of a quorum and talk it over and decide on when we would like to vote.

Mr. COTTON. Mr. President, before we do that. I would be perfectly filling to think it over with great broadmindedness and toleration as to who gets the money, the OEO or what agency. However, remember that the Appropriations Committee with all its faults—and we certainly have our faults—listened to all the evidence. We have a responsibility on the bill. We had to face up to every line item. Whether the Senator likes it or not and approves or disapproves of what we did, we had to come in with the bill so that the Senate would know how much was for Headstart and how much was for every one of these line items. There are 15 of them encompassed in the Senator's amendment. I think that while the Senator is thinking it over, if we consider most carefully our position on the OEO, I think the Senator ought to be willing to consider if he would not be willing to give us a chance at the start and not go back and repeal something we have done in the morning and vote on it again in the afternoon. But he should give the Senate a chance to clearly understand what items it is voting on. He should give them a chance to vote on each one, not on all 15 items, Headstart and the others.

Mr. JAVITS. Mr. President, with all respect, we are earmarking the funds as the committee earmarked them. The

committee earmarked Headstart for $339 million. We earmarked $398 million. The committee earmarked $762 million for manpower training. We raised that figure by $40 million.

Wherever the committee earmarked funds, we earmarked funds.

Mr. COTTON. Mr. President, there is $43,900,000 there.

Mr. JAVITS. Mr. President, that gives $43 million which can be allocated to the items above the figures we have set down for the items above it. In the legislative authorization we listed the figures according to what the administration budget or the Senate appropriations showed, in most cases less the 15-percent transfer.

Mr. COTTON. Mr. President, I can understand the advisability of having some latitude and some money to use. That was done for 1970. And it was $3 million. However, this time the Senator wants, instead of $3 million, almost $44 million to be spread over these, just as the OEO takes a notion. He may be right. My only point is that the Senator should give us a chance at least to pass on that matter.

Mr. JAVITS. Mr. President, we are not passing on these individual items in the appropriations bill I will undertake overnight to submit a reallocation of that amount so that the Senate may see each figure in the chart and see exactly what the sponsors of the amendment think about the way the allocation ought to go, with a far more modest sum for contingencies. I am perfectly happy to do that. I think that is a very fair request.

Mr. COTTON. We still cannot vote on it.

Mr. JAVITS. The Senate will not vote on it in any event. The only thing that the committee presents us to vote on is the amounts for the large items, Headstart and manpower training. The committee bill does not call for a vote on the other items.

When the House passed on this matter it did exactly what this amendment tries to do. It had a global sum for this item and appropriated it to the OEO. We are certainly not out of the ball park in trying to do the same thing here.

Mr. MAGNUSON. Mr. President, the first item I see here is health and nutrition programs. We heard a lot of testimony. We listened to everyone that should know anything about this matter. We listened to people who have great knowledge on this subject. We put in $195 million. The Senator is suggesting to increase that by $20 million. Where does that figure come from?

Mr. JAVITS. That is the authorization figure.

Mr. MAGNUSON. The Senator is suggesting full funding?

Mr. JAVITS. We are suggesting full funding up to the authorization. That is our whole point—the $181 million.

Mr. MAGNUSON. What is the use of having an Appropriations Committee?

Mr. JAVITS. That is the classic Appropriations Committee argument. The Senator is making a very fair point. Our argument is that the total authorized amount is so far below what we on the legislative side believe it should be. We heard testimony. We think there is a legitimate need for this. We want to at least go up to the authorization ceiling.

Mr. MAGNUSON. Then we should abolish the Appropriations Committee.

Mr. JAVITS. I do not think that is so at all.

Mr. MAGNUSON. The Senator means that, if he authorizes the money, the money is supposed to be here.

Mr. JAVITS. No. In all fairness, the Appropriations Committee is vital. The committee has given the Senate its judgment based upon the testimony it heard, looking at it from the viewpoint of the Appropriations Committee. The committee says what it thinks we ought to do. We are giving the Senate our judgment on this matter. We are people who have knowledge on the legislative side as to the way the American priorities should be. We are saying what we think. The Senate will make its choice.

Mr. MAGNUSON. This is what the Senator from New Hampshire and I want to do. We want the Senate to pass on the money items. Someone will make a motion to increase the health and nutrition program by $20 million. We will vote it up or down. That is what we want to do.

Mr. JAVITS. But the Senator wants to tell us how to present the issue to the Senate. We are not telling the Senator how to present his issue to the Senate.

Mr. MAGNUSON. This is the only way we can present it.

Mr. JAVITS. Mr. President, I know, but the Senator breaks it down directly by each of these agencies. We do not agree with that.

Mr. MAGNUSON. Why not present a separate amendment?

Mr. JAVITS. We are presenting a separate amendment. By this amendment the money will be appropriated to the OEO. If the Senate does not like it, they will turn it down.

Mr. MAGNUSON. But the Senator wants to add the $181 million.

Mr. JAVITS. That is correct, at one and the same time.

That is what we suggest. One is a policy matter and the other involves the money.

We cannot separate them. We might as well suggest that the committee separate them.

Mr. MAGNUSON. We separated all 15 items. We heard testimony and we separated them all. We separated the appropriations authorized by the Labor and Public Welfare Committee. That was all a separate measure. The Senator was not there. I suppose he had a good reason.

Mr. JAVITS. I was not there for a good reason. I am not on the committee.

Mr. MAGNUSON. We separated it in the same way last year and the Senator was there.

Mr. JAVITS. No. Last year we allowed the delegation concept to continue. That is what I have been arguing: That the Committee on Appropriations is seeking to change it this year. With all respect to the Senator, I do not think we are getting very far now.

Mr. MAGNUSON. The Senator does not want to separate the two matters, the policy and the money.

Mr. JAVITS. I cannot. The amendment is clear on its face. It seeks to increase the money and the resultant increase does take out the request the administration made.

Mr. MAGNUSON. Oh, the administration made it first.

Mr. JAVITS. We pass the law.

Mr. MAGNUSON. They shifted over onto Headstart.

Mr. JAVITS. These delegations do that.

Mr. COTTON. I have seen a great light for the moment. The theory of this is the full funding on the authorization. I assume the Senator would not carry that principle through other divisions of Government. He would not suggest that that be done in connection with national defense; would he?

Mr. JAVITS. In the first place, I agree with the Senator, and I gave my reason for the funding of the authorization here being attributable to the fact that this bridge is built to meet the other side anyhow. But I would like to point out that even if we are doing this we still omit $684,200,000 which was authorized for fiscal 1971, the so-called add-ons. Really, the full authorized amount is $2.879 billion. We are not raising that issue. We understand it is impractical and unrealistic. We are proceeding on the ceiling in the authorization on OEO. I think it is fair to say we are trying not to be unrealistic.

Mr. MAGNUSON. I might be too late to put all the figures in the RECORD, but if we were to appropriate the full amount to every authorization for Labor, Health, Education, and Welfare, there would not be enough money in any budget to take care of all that. I single that out. The authorizations are pretty high.

Mr. JAVITS. I understand, but the Senate makes them and not the Committee on Labor and Public Welfare.

Mr. MAGNUSON. Then, we should say to forget the Committee on Appropriations.

Mr. JAVITS. No; we do not. We say that only in a limited aspect on the OEO. It is not fair to characterize what I have said in that way. I have made clear how we feel in that respect.

The short fall is so great we should do better to the extent of the authorization for the OEO alone, not the add-ons, and that is over one-fourth of the authorized sum. We are not unrealistic.

Mr. MAGNUSON. I think the Senator is unrealistic. The Senator has been down there with me in the Committee on Appropriations many times. The Senator knows that we say, "We authorize this but the Committee on Appropriations is going to look at this to determine how they are going to put it in."

Mr. JAVITS. The Senator is correct.

Mr. MAGNUSON. Very few matters

are fully funded. Then, there is the lapse in time. Now, 4 and 5 months have gone by. All we suggest is that we would like to vote on the money items.

Mr. JAVITS. I deeply feel if the Senate in its wisdom because of the highly important arguments made by both Senators turns down this first item, then I do not feel bereft of remedies and I know the manager of the bill and the ranking minority member should not feel bereft of remedies.

This does pose the central issue: Do Senators want to increase this amount; do Senators wish to retain the practice of appropriating the funds to the Department of Labor and HEW through delegation agreements from OEO.

Mr. MAGNUSON. There are two different matters involved: policy and money.

Mr. JAVITS. We have the right to propose the question as we think it should be proposed.

Mr. MAGNUSON. I might submit an amendment to each item as a substitute.

Mr. JAVITS. That is the Senator's privilege.

Mr. MAGNUSON. We were trying to work out a bill here, and we are dealing with all kinds of items and not just OEO. The OEO amount is $2.363 billion. If I were the budget, I would have had it higher, but I am not the budget—thank the Lord I am not. The Senator has been on the Committee on Appropriations and the Senator knows that compromises have to be made. That is the whole purpose of legislative bodies.

Mr. JAVITS. That is why I said I felt this was an area in which the Senate had to act; that the ranking Republican member and the chairman have done everything they could do in their own consciences and within all the practicalities. Now, it is up to the Senate.

Mr. MAGNUSON. The Senator from New Hampshire and I have accepted amendments from the Senator on the floor many times.

Mr. JAVITS. Of course, and generously.

Mr. MAGNUSON. We did it on many items, and we did not get mixed up in policy matters. That was an appropriation matter. The Senator from New Hampshire and I intend to submit an amendment on Headstart—just on the money. We had discussed that but at that time there was not available the information that we now have, which also happens.

ORDER OF BUSINESS

Mr. MAGNUSON. Mr. President, if I may have the attention of the Senator from New York for just a minute, I think it is the intention of the leadership to recess now until 11 o'clock tomorrow. Then there will be a morning hour.

Mr. KENNEDY. A brief morning hour.

Mr. MAGNUSON. And we probably will proceed with this matter until around noon, but I wish the Senator would think about the possibility of a limitation of debate tomorrow.

Mr. JAVITS. Certainly. I am entirely agreeable.

Mr. MAGNUSON. I think we have said as much about it as needs to be said.

Mr. JAVITS. Would the Senator wish to agree now, or should we wait until tomorrow?

Mr. MAGNUSON. I think we should wait until tomorrow.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. 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 CAMPAIGN BROADCAST REFORM BILL

Mr. HART. Mr. President, on Monday, if we follow our schedule, the Senate will decide what action it should take with respect to the veto of the campaign broadcast reform bill.

I know that as the time approaches, many arguments are being made to persuade Senators to sustain that veto. One of the arguments most frequently heard is that it is an issue of party, or, more precisely, of party loyalty. It is said that Democrats want the bill for partisan advantage, or that the Republicans support the veto out of loyalty to the President.

I suggest that this issue is beyond partisan considerations. I rise tonight to make clear the point that Republicans have been involved from the very outset in this attempt to reform the political use of television—involved just as fully and with as great devotion as the Democrats. The distinguished Senator from Kansas (Mr. PEARSON) for many months worked in developing this measure, and was one of its first sponsors.

The conference report was adopted by the Senate on a vote of 60 to 19, with 17 of 35 Republicans present voting for it. The conference report passed the House of Representatives by a vote of 247 to 112. In the House, 80 Republicans, including the distinguished minority leader, the able minority whip, the chairman, vice chairman, and secretary of the Republican leadership conference, and the ranking minority member of the House Commerce Committee—men of this stature were among the 80.

Here in the Senate, work in developing this bill covered more than 2 years. Members of the Commerce Committee, Republicans and Democrats together, wrestled with the problem of the bill in that committee. A portion of the bill—that repealing the equal time requirement for presidential elections—was reported unanimously by our Committee on Commerce. There was active participation in passing the bill on the floor by Members on both sides of the aisle. I remember clearly the efforts of Senator PEARSON, Senator JAVITS, and Senator GOODELL.

Mr. President, any suggestion that this bill is a narrow piece of legislation, motivated solely by partisan gain, demeans the effort. Why question the integrity and courage of Senators on both sides who work for reform? The American people support reform. All of us are familiar, I think, with the recent Harris poll which showed that 70 percent of all Americans thought that too much money was being spent on campaigns, and only 1 percent thought not enough was being spent.

Following the veto of the bill, critical editorials, columns, and cartoons by the hundreds have appeared in media which bear all of the traditional labels—Republican, Democrat, liberal, and conservative. The demand for reform has become the demand of the Nation, and I would regret it if the President chooses to see this issue as an attempt to gain partisan advantage. If he does, he has misread the national sentiment.

America will not tolerate longer a political system in which there is an appearance of office for sale to the highest bidder. Members of Congress, Republicans and Democrats alike, are aware of the impact of fundraising on the political process and the key role of television and radio in this race for office and the search for the dollar to support the race.

It is my hope that the Senate will meet the demand for reform by voting to override the veto on Monday, voting not as Democrats or Republicans but as responsible Members of the Senate.

Mr. KENNEDY. Mr. President, I commend the distinguished Senator from Michigan for his comments.

The Senator has placed this question in proper perspective. I think he has provided us with a very worthwhile and commendable comment, with which I agree, and I am certain that many Senators on both sides of the aisle share it as well. I commend him for making it.

Mr. HART. I thank the able majority whip.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there is no further business to come before the Senate, I move that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 52 minutes p.m.) the Senate adjourned until tomorrow, Friday, November 20, 1970, at 10 a.m.