# SENATE—*Wednesday, December 2, 1970*

The Senate met at 10 a.m. and was called to order by Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota.

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

God of our fathers and our God, guide by Thy spirit the President, his counselors, and all who carry heavy responsibilities in the executive, legislative, and judicial branches of this Government, all those in the diplomatic and armed services and especially all those on missions of mercy. Attend all who labor in places of difficulty and danger, supporting and strengthening them by a vivid awareness of Thy presence.

Now come upon us who labor in this Chamber with Thy renewing power. Make us sensitive to human need and keep us ever dedicated to the welfare of the whole Nation. Help us to love and care for people not in mass or as problems but as persons created in Thy image. Spare us, O Lord, from undue discouragement or excessive fatigue. Keep us at our tasks, husbanding our energies, applying our best wisdom, ever striving for the better world that is yet to be.

We pray in the name of Him who went about doing good. 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., December 2, 1970.*

*To the Senate:*

Being temporarily absent from the Senate, I appoint Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
*President pro tempore.*

Mr. BURDICK 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 Tuesday, December 1, 1970, be dispensed with.

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

## ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order granted to the distinguished Senator from Ohio (Mr. YOUNG) be transferred from today to tomorrow, so that at the conclusion of the disposition of the Journal and the unobjected-to items on the calendar tomorrow, the Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 15 minutes.

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

## COMMITTEE MEETINGS DURING SENATE SESSION

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

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

## EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

## NATIONAL LABOR RELATIONS BOARD

The assistant legislative clerk read the nomination of Ralph E. Kennedy, of California, to be a member of the National Labor Relations Board.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

## NATIONAL MEDIATION BOARD

The assistant legislative clerk read the nomination of David H. Stowe, of Maryland, to be a member of the National Mediation Board.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

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

## LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

## TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, pending the arrival of the distinguished Senator from Iowa (Mr. MILLER), I ask unanimous consent that there be a period for the transaction of routine morning business with a time limitation of 3 minutes therein.

Mr. SCOTT. Mr. President, I have no objection. I may add that the distinguished majority leader said to me this morning that there may be a hiatus, and I suggested that if there is, we pass it and send it over to the other body. [Laughter.]

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

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

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the distinguished Senator from Indiana (Mr. HARTKE) today, the period for the transaction of routine morning business be resumed under the same stipulation.

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

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Iowa is recognized for 20 minutes.

## SST APPROPRIATION

Mr. MILLER. Mr. President, the proposal to appropriate $290 million to continue the SST prototype program comes to the Senate floor as a bipartisan recommendation of the Senate Appropriations Committee.

The committee report is most unsatisfactory on this point. The hearings record contains 539 pages of detailed testimony and documentation. There is what might be called expert testimony on both sides of the controversial aspects of this program. One would have hoped that the report would have presented an analysis of the arguments and the conclusions of the committee thereon. Indeed, one would have expected some minority views setting forth the analysis and conclusions of those members who disagree with the report on this item.

Instead, all we find is the assertion that "the committee states unequivocally that it is not willing to buy aviation leadership at further costs to our environment."

Interestingly, the report notes that last year, in providing funds for the program, the committee urged the Secretary of Transportation to develop legislation to protect the public against the sonic boom; and it expresses regrets that instead of pressing for such legislation, the Secretary has chosen to seek an agency rule to deal with the matter. Accordingly,



AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

the committee emphasized its view that a rule which is subject to arbitrary change is no substitute for a law passed by Congress and that public concern on overland flights can be allayed by the Department promptly supporting legislation now pending on the subject or submitting a bill of its own.

The report reiterates that because of the magnitude of the funds required to develop the SST, the technical risk associated with it, and the long period between investment and potential profit, financial support by the Federal Government—with cost sharing, of course, by the manufacturers and airlines—is indicated.

The net of all this is that the committee has failed to face up to the fact that public opinion has slowly but surely been rising in opposition to the SST itself because of some hard questions which have not been satisfactorily answered or, at least, in opposition to the priority in spending $290 million—on top of $708 million previously appropriated—at a time when a serious budget deficit of $14 billion is requiring reductions in areas of greater concern and immediate need. For example, in the recently passed HEW appropriation bill, the Senate provided a substantial increase in the funds for medical schools. However, we were told that even this increase will be far short of the needs if we are to move forward with maximum speed in overcoming the current shortage of 50,000 medical doctors in our country.

The budget deficit of $14 billion staring us in the face for the present fiscal year will, on the basis of previous deficit years, produce four times that amount in inflation—about equally divided between increases in the cost of living and erosion of the purchasing power of bank accounts, savings accounts, life insurance and pension fund reserves, and bonds. If this is to be prevented, those in control of the Congress must take action to either increase taxes or legislate revenue raising measures of some kind on the one hand, or, on the other, reduce spending, or do some of both.

THE NOISE PROBLEM

The proponents of the SST point out that the approach and departure phases of the SST will produce less noise in the community than the jet transports in use today. This is all to the good.

However, without acoustical correction, the SST would produce excessive noise during its runup and takeoff phase. On this point, the proponents state that they recognize the need to further reduce the airport sideline noise, and give assurance that research is underway to this end.

This is an extremely difficult problem, because such research as has been done indicates that engine thrust is reduced below acceptable levels when the noise factor is reduced to satisfactory levels. It is true that some 8 years remain before the SST would enter commercial service, so that time for considerably more research and engineering is available. However, I have not seen persuasive evidence that this is a feasible undertaking.

ECONOMICS

The proponents make a very impressive argument regarding the impact on our economy of success of the SST program. They project a direct labor force of 50,000 skilled jobs with potential application throughout the United States. Taking into account a multiplier effect, they project a total of 150,000 jobs involved in the SST program over the next 15 years. They do not say necessarily that there will be a total loss of this number of jobs if the SST does not go forward, because some other programs can naturally come along which would open up this number of jobs. However, due to cutbacks in defense and space expenditures, there has been a drop of 12½ percent in similar or related employment over the past year—a loss of 168,000 jobs. Moving ahead on the SST program would naturally help offset some of this loss and avoid hardship to the workers and families affected. But this surely is not the only answer that can be programed to utilize the skills of these workers. As the chairman of the Council of Economic Advisers said, page 1326 of hearings record:

> It should be stated, incidentally, that continuing the SST should not be supported as a means to assure reasonably full employment.

A successful SST program would be helpful to our balance of payments. It is true that the program would have an adverse effect on our balance of payments because of expanded tourist expenditures overseas. However, taking into account the overseas sale of SST aircraft plus replacement engines and spare parts, fairly reliable estimates place the net favorable impact per year on our balance of payments at from $2.5 to $4 billion from 1979 to 1990.

All of these statistics rest on certain assumptions, however. One is that the SST program will be "successful"—that is, achieve its technological objectives within reasonable time parameters and result in total sales of 500 aircraft. Another is that the British-French Concorde program will be "successful," so that our failure to meet this competition will result in a "loss" to our economy represented by the job and balance of payments pluses to which I have referred.

These assumptions are by no means certain of being borne out. Indeed, the proponents are quite honest in stating:

> One thing is clear in the balance of payments area: it is extremely difficult to predict with much precision future developments of the major nations and aircraft companies of the world.

The United Kingdom and France have spent over one and a half billion dollars on the Concorde program, but the prototype has encountered many difficulties, some of which are by no means certain of being surmounted—any more than the SST is certain of surmounting its problems.

The SST is designed to carry from 260 to 298 passengers in comfortable conditions comparable to the present jumbo jets, but with a speed of some three times that of the jumbos which would reduce nonstop long-range trip times by about 50 percent on the average. Whether the 1970 estimate of $37 million per aircraft will escalate to $50 million by 1978 is uncertain, but lessons from history would indicate the likelihood of this happening. And whether, with a $50 million per aircraft cost, there would, in fact, be operating revenues for the airlines of twice that of the jumbo jets is also uncertain. There is an assumption that passengers would prefer to use the SST, flying at an altitude of 65,000 feet instead of 35,000 feet with present jet service, for the sake of saving 2 hours by supersonic speed on a transatlantic flight, for example. Realization that flight at this altitude would run risks not present in subsonic jet service could have a great deterrent effect on demand. The Working Panel on Environmental and Sociological Impact of the President's SST Ad Hoc Review Committee noted that at cruise altitudes for the SST, ozone is present in concentrations which would be highly toxic to passengers if allowed to enter the plane; and that should cabin pressure fail, all aboard would lose consciousness within 15 seconds. Gunfire during an attempted hijacking could bring on a catastrophe which would not occur at lower altitudes.

ENVIRONMENTAL QUESTIONS

In addition to the noise problem, questions have been raised by concerned scientists and citizens over the impact of water vapor upon upper atmospheric ozone content from a fleet of 500 SST's which might cause an imbalance of ultraviolet ray exposure at the world's surface; the impact of water vapor on cloud formations with possible changes in weather or earth surface temperature; and the impact on the atmosphere from the injections of carbon dioxide, nitrous oxide, sulphur dioxide, and particulates.

It is fair to say there is no hard evidence of a likelihood that an SST fleet would cause significant adverse effects suggested by these questions. However, the proponents honestly state that the desired degree of certainty about these matters has not been attained; that research aimed at resolving these uncertainties will go forward, so that before SST production is initiated beyond the prototype stage there will be sufficient data to make a final determination of whether or not environmental degradation will result from SST fleet operations; and impressive councils of scientists have been named to carry on the required research.

Nevertheless, while Under Secretary of Interior, the Honorable Russell Train, presently Chairman of the Council on Environmental Quality, said:

> We consider the environmental disadvantages to be of extreme significance. . . . We believe that the probable adverse environmental impact of the SST is such that the

program should not be pursued in the absence of overwhelming evidence of positive advantages.

What Mr. Train had to say reflects my judgment on this matter; namely, that we should not go forward on the prototype program until we have much stronger evidence of the positive advantages and much stronger evidence to negate the potential disadvantages. Granted that the prototype program would not, by itself, cause any harmful effects to the environment and recognizing the assurance that the uncertainties would be satisfactorily cleared up before production of an SST fleet, I am persuaded that we need to focus more attention on research needed to provide the evidence to which I have referred before spending more money on the SST prototype program at a time when those in control of Congress have put our Federal Government in a terribly serious budget deficit position, with the hardships from inflation and high interest rates this will bring upon the people of our country.

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Indiana is recognized.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. HARTKE. I yield.

## ORDER FOR RECOGNITION OF SENATOR McCARTHY AND SENATOR PERCY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the conclusion of the remarks by the able Senator from Indiana (Mr. HARTKE) and the distinguished Senator from Minnesota (Mr. McCARTHY) be recognized for not to exceed 15 minutes, and that upon the conclusion of his remarks, the distinguished Senator from Illinois (Mr. PERCY) be recognized for not to exceed 20 minutes.

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

Mr. BYRD of West Virginia. I thank the Senator for yielding.

The ACTING PRESIDENT pro tempore. The Senator from Indiana is recognized for 30 minutes.

## THE NEED FOR WELFARE REFORM

Mr. HARTKE. Mr. President, the Congress has had before it during the past year a proposal for general welfare reform offered by the administration and referred to as the family assistance program.

It is my intention to bring a version of this bill to the floor of the Senate for a vote, offering it as an amendment to a bill which will allow the merits of this program to be considered.

Various attempts to bring this crucial legislation to the floor of the Senate have failed to date. Currently, a group of Senators is preparing yet another version of the program in an attempt to win approval during this session.

I support this move and sincerely hope that it will succeed.

However, should this effort fail to win majority support, I intend to introduce an amendment substantially like the bill passed overwhelmingly by the other body.

There are three points with respect to the merits of this proposed legislation which I would like to call attention to today.

First, and most obviously, is the matter of cost versus benefits. In few areas of public management has the relationship between what society desires to achieve and the method used to meet that objective been so badly conceived and so long neglected. It is certainly past time to consider reform in this area which is conceived along modern delivery system lines, using commonsense and modern management techniques to achieve a desired result.

Second, the concept of America as a society of opportunity is totally without substance for those children raised in bondage under a welfare system that precludes self-fulfillment, discourages self-consciousness, and demeans self-pride.

Third, to a degree that has largely been ignored in debate of this proposal so far, State government as a viable element of the federal system is at stake in the passage of this measure. Failure to meet the pressures of welfare costs with substantial reform has accelerated the collapse of State government.

Mr. President, I have just obtained figures for the past year which have not been released before, which allow us to compare the costs of the largest element of the present welfare system. These figures dramatically demonstrate the need for rapid and bold action in the area of welfare reform.

These statistics cover the Aid to Families With Dependent Children program. Between August of 1969 and August of this year, the costs of this program rose at a national average of 28.3 percent.

This rate of increase alone would be shocking enough, yet it is even more alarming to note the breadth of cost increases under the current system. In 1968, only 16 States showed increases during the year of 20 percent or more in total costs for AFDC benefits.

In the past year, 40 States, instead of the 16, showed increases of 20 percent or more.

The AFDC programs during the past year saw an increase in participation of more than 1.7 million people—reaching a new high of 8,371,957 Americans receiving benefits from this program.

According to estimates of HEW, which they regard as conservative, the number of people participating in AFDC programs by 1975 will be 12,328,000—or nearly three times the number of people receiving benefits in 1965.

Nearly one-fourth of the new additions to AFDC recipients during the past year were recorded in California where 401,623 persons were added to the AFDC welfare rolls. This increase in participation gave that State a rise in AFDC costs of 34.9 percent during the year.

My own State of Indiana recorded cost increases of 53.2 percent. In Texas, the cost increases measured an astronomical 67.6 percent.

In 1965, the State costs of the AFDC programs totaled $956 million. This past year, they totaled $1,850 million. According to HEW estimates, the 1975 costs, under the current program, will cost the States $3,759 million. This means that the cost to States of this one welfare program has been more than doubling every 5 years.

With the permission of the Senate, Mr. President, I would like to submit for the RECORD two tables which have been compiled from data furnished me by HEW, the first showing the AFDC cost increase percentages by State, the second showing the costs and number of AFDC participants for the Nation as a whole from 1965 through 1967. The figures used from 1970 on are, of course, projections based on HEW estimates.

I ask that they be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibits 1 and 2.)

Mr. HARTKE. Speaking to the first point that I made earlier, we scarcely need more positive evidence that the cost versus benefits efficiency of the present system are staggeringly inadequate.

For it we assume that one of the benefits to be derived from any public assistance program is to see recipients gradually move on from that assistance to full or partial productivity, then we must conclude that the present system is a gross failure.

Failure in this area not only deprives people of the material benefits of economic self-sufficiently, it creates a climate in which crime can flourish, in which hopelessness and despair grow like a cancer, and in which the larger society is perceived as the enemy of the disadvantaged aged. To the taxpayer shouldering the cost of this burden, we offer for his money broken lives, instead of productive, taxpaying fellow citizens.

And instead of seeing public welfare gradually subside as a percentage of the total population, we see it skyrocket completely out of proportion, each year taking a larger and larger slice of the tax dollar—therefore a larger and larger slice out of the paychecks of Americans everywhere.

In the words of the National Advisory Commission on Civil Disorders:

> The failures of the system alienate the taxpayers who support it, the social workers who administer it and the poor who depend on it.

I believe it is clear today that before we consider what this new legislation offers, we must understand that we are being asked by the people who get welfare and the people who pay for welfare to repeal a failure—an economic failure and a social failure.

The measure I will bring to the floor deals with these inadequacies and for the first time offers to the problem of public assistance the opportunity for the ad-

vancement of human self-fulfillment and the eventual proportional reduction of its cost.

Moral or human values aside, it makes good economic sense to structure a public assistance program so that recipients are allowed to become productive. And we are getting to the place financially as a nation that we simply must face the welfare issue on a sound fiscal basis. Either we will meet our obligation to repeal the failure and implement a program to move citizens toward productivity, or we as a nation will face a solvency problem.

It is incumbent upon us to move quickly to open the door of opportunity to those currently imprisoned by our welfare system.

The third point I mentioned earlier was the crisis facing the fiscal solvency of our member States.

I am firmly convinced that we face a collapse of statehood as a viable partner in the federal system without early and immediate relief from the confines of a welfare system that fails to achieve its stated objective and drags us blindly toward outrageous increases in participants and costs.

The figures I have presented here today adequately make the case of the desperate circumstances most States find themselves in.

Trapped by Federal legislation which sets the pattern for most public assistance programs, and trapped by antiquated revenue sources to fund their total State budgets, States simply cannot keep up with the demand for services and remain solvent.

Failure to act now on genuine welfare reform which relieves the States from this furious and futile treadmill will result first of all in crippling further the power and influence of State government to respond locally to local problems. Second, it will result in higher property taxes across this land.

Much of the criticism of the family assistance program has been centered around the idea that it simply does not go far enough.

Let me simply say that if Congress had waited for a $3-an-hour minimum wage bill to appear on this floor before approving the concept of the minimum wage, our Nation would have suffered immeasurably, both in terms of human development and in terms of total economic productivity.

The facts are clear. Substantive reform in this area must be forthcoming. And by substantive reform, I mean a reevaluation of benefits in terms of cost and the building of a foundation which frees people to seek the limits of their ability within a society that extends the fullest possible opportunity.

The reasons I have advanced in support of the family assistance program are reasons of extreme urgency. The longer we allow a system of national failure to continue to create a culture of personal failure, the larger the costs of redeeming ourselves will become.

While I am in the position of agreeing with the administration, let me go one step further. I agree with the administration's opinion that if a welfare reform bill is not passed in this session of Congress, then one will not be passed for another 4 years.

To me, and to my State faced with a rise in welfare costs of 53.2 percent in the last 12 months, and already facing the highest property taxes in history, it is far preferable to pass a bill which makes the move toward a conceptual change in the public assistance program, than to stand around waiting 4 more years for a bill that might offer slightly more benefits.

The family assistance program as passed by the House may be unfinished business. It may require in actual practice several changes and revisions.

But the business of public assistance, begun in 1935 with the original Social Security Act, is certainly unfinished business today.

The family assistance program may not embody the ultimate program I believe the American people are capable of achieving for their own benefit. But it lays a foundation on solid economic and moral ground for tomorrow's endeavors.

The fact that our democracy is always unfinished business is a part of its glory; for in our individual and collective efforts to make it succeed for all people, we chart the blueprint of our future, and measure our worth as citizens.

EXHIBIT 1

TABLE 1.—*Percentage increase in the total cost of aid to families with dependent children, by State, totaling Federal, State, and local contributions from August 1969 to August 1970*

| | |
|---|---|
| Alabama | 30.7 |
| Alaska | 20.9 |
| Arizona | 25.3 |
| Arkansas | 33.9 |
| California | 34.9 |
| Colorado | 36.2 |
| Connecticut | 17.6 |
| Delaware | 24.0 |
| District of Columbia | 44.3 |
| Florida | 30.8 |
| Georgia | 36.2 |
| Guam | 31.5 |
| Hawaii | 25.6 |
| Idaho | 34.9 |
| Illinois | 24.4 |
| Indiana | 53 2 |
| Iowa | 20.4 |
| Kansas | 27.3 |
| Kentucky | 7.9 |
| Louisiana | 27.5 |
| Maine | 49.2 |
| Maryland | 22.8 |
| Massachusetts | 25.1 |
| Michigan | 39.6 |
| Minnesota | 33.0 |
| Mississippi | 14.5 |
| Missouri | 26.8 |
| Montana | 36.7 |
| Nebraska | 25.7 |
| Nevada | 46.7 |
| New Hampshire | 41.5 |
| New Jersey | 49.7 |
| New Mexico | 23.4 |
| New York | 18.4 |
| North Carolina | 20.9 |
| North Dakota | 11.9 |
| Ohio | 22.8 |
| Oklahoma | 10.1 |
| Oregon | 46.5 |
| Pennsylvania | 31.0 |
| Puerto Rico | 20.4 |
| Rhode Island | 16.6 |
| South Carolina | 47.9 |
| South Dakota | 18.5 |
| Tennessee | 38.0 |
| Texas | 67.6 |
| Utah | 20.2 |
| Vermont | 15.8 |
| Virgin Islands | 17.2 |
| Virginia | 40.3 |
| Washington | 51.1 |
| West Virginia | 23.6 |
| Wisconsin | .8 |
| Wyoming | 34.1 |

Source: Department of Health, Education, and Welfare.

AFDC: PAYMENTS TO RECIPIENTS AND AVERAGE MONTHLY NUMBER OF RECIPIENTS

[1965-70 actual; 1971-76 projected]

| Fiscal year | Expenditures (in millions) | | Average monthly number of recipients |
|---|---|---|---|
| | Total | Federal | |
| Actual: | | | |
| 1965 | $1,727 | $965 | 4,237,000 |
| 1966 | 1,859 | 1,031 | 4,395,000 |
| 1967 | 2,065 | 1,170 | 4,714,000 |
| 1968 | 2,542 | 1,404 | 5,349,000 |
| 1969 | 3,189 | 1,717 | 6,154,000 |
| 1970[1] | 4,115 | 2,265 | 7,429,000 |
| Projected: | | | |
| 1971 | 4,912 | 2,704 | 8,835,000 |
| 1972 | 5,826 | 3,208 | 10,000,000 |
| 1973 | 6,686 | 3,681 | 10,904,000 |
| 1974 | 7,531 | 4,145 | 11,674,000 |
| 1975 | 8,364 | 4,605 | 12,328,000 |
| 1976 | 9,163 | 5,046 | 12,874,000 |

[1] Partially estimated.

Source: Department of Health, Education, and Welfare.

Mr. HARTKE. 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. BYRD of West Virginia. 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. BYRD of West Virginia. Mr. President, I ask unanimous consent that I be recognized, without prejudice to the rights of the able Senator from Minnesota (Mr. MCCARTHY), under the previous order.

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

## EXPLANATION OF SENATOR MCCLELLAN'S NOT VOTING YESTERDAY, DECEMBER 1, 1970

Mr. BYRD of West Virginia. Mr. President, I wish to announce that the able Senator from Arkansas (Mr. MCCLELLAN) was compelled to be absent from the Senate yesterday because of a death in his family. I ask that the RECORD show that this reason for Mr. MCCLELLAN'S absence is why he did not vote on the following: The amendment offered by the Senator from North Carolina (Mr. ERVIN), No. 405 Legislative, shown on page 39311 of the RECORD; the amendment offered by the Senator from Utah (Mr. Moss), No. 406 Legislative, shown on page 39315 of the RECORD; and the final passage of the Consumer Protection Organization Act of 1970, the rollcall vote being No. 407 Legislative, shown on page 39320 of the RECORD. All of these votes occurred yesterday.

## ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that a

quorum call may be requested, without prejudice to the rights of the able Senator from Minnesota (Mr. McCARTHY), under the previous order.

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

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

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

Pursuant to the previous order, the Senator from Minnesota is recognized for 15 minutes.

## THE ADMINISTRATION'S WELFARE PROGRAM

Mr. McCARTHY. Mr. President, concern for the poor runs as a significant theme throughout the history of civilization.

The forms of response to the needs of the poor and the motives for the response have varied. In some cases, certain classes of persons or groups have been almost wholly excluded from concern—those of another nation, caste, race, or religion—but no society or civilization has shown total and complete indifference.

The care of the poor among the Jewish people is recorded in the Old Testament as of high priority and importance. In chapter 15 of the Book of Deuteronomy, the measure of responsibility is defined in these words:

> If one of your kinsmen in any community is in need in the land which the Lord, your God, has given you, you shall not harden your heart nor close your hand to him in his need. Instead you shall open your hand to him and freely lend him enough to meet his need.

And in the same chapter:

> Since the Lord, your God, has given you, you shall not harden your heart nor close your hand to him in his need. Instead you shall open your hand to him and freely lend him enough to meet his need.

And in the same chapter:

> Since the Lord, your God, will bless you abundantly in the land he will give you to occupy as your heritage, there should be no one of you in need.

Response to the needs of the poor was considered a personal religious responsibility in medieval Christianity. Concern for the poor and service in their need was a mark of perfection and of love. The giving of alms was a religious act, not merely an act of human compassion or one demanded by reasoned concern for justice. The adoption of poverty voluntarily was considered as a step toward holiness, and begging achieved some respectability.

Poverty was accepted also as deserving of organized attention. The care of those in need—physical and intellectual as well as spiritual—was a special function of some of the religious orders of the times. It was perhaps inevitable that voluntary agencies could not adequately care for all of the needs, and quite certain that with the development of the modern democratic state that other public bodies would assume a share of responsibility. The process was accelerated, of course, by the suppression of monasteries and by confiscation of religious properties. In England this action was followed soon by the passage of the first "poor laws" in the reign of Elizabeth I.

The attitude toward the poor and toward poverty gradually changed. Poverty came to be looked upon increasingly as a mark of personal defect or as a punishment for faults, known or unknown, published or unpublished.

In the 19th century, an extreme position was stated by Herbert Spencer:

> Pervading all nature we may see at work a stern discipline, which is a little cruel that it may be very kind. . . . The poverty of the incapable, the distresses that come upon the imprudent, the starvation of the idle, and those shoulderings aside of the weak by the strong . . . are the decrees of a large, far-seeing benevolence. . . . Similarly, we must call spurious philanthropists, who to prevent a present misery, would entail greater misery upon future generation. All defenders of a poor-law must be classed among them. . . . Blind to the fact that under the natural order of things society is constantly excreting its unhealthy, imbecile, slow, vacillating, faithless members, these unthinking, though well-meaning, men advocate an interference which not only stops the purifying process but even increases the vitiation.

This point of view underlies the administration's family assistance program.

Mr. President, the Finance Committee, over the last year and a half, has had this legislation under consideration. Recently, the Finance Committee rejected that proposed legislation and excluded it from at least immediate consideration by the Senate.

The family assistance program has been hailed by the administration and by some of its supporters as the most revolutionary and progressive welfare reform of the century, if not in history. I think it important that the record be kept straight as to just how revolutionary this particular program in fact is.

The first question that should be asked is, What does it do to alleviate physical poverty itself?—leaving out all questions of the rights of the people on welfare and questions of their dignity and the more serious problem of poverty in the midst of plenty, a condition which does afflict this country. It does not do very much to alleviate physical poverty.

Computations based on a Bureau of Labor Statistics study show that a family of four needs $5,500 to live at an adequate level. This is the minimum needed for adequate housing, food, and clothing.

The Social Security Administration estimates that a family of four needs $3,800 to subsist at a poverty level. But by the Government's own admission, this is not a reasonable measure of basic money needs. In one case, it is $5,500, in the other it is $3,800.

The floor contained in the administration bill, $1,600 for a family of four, is not enough for subsistence let alone an adequate standard of living. In fact, it comes to roughly less than one-half of what is considered necessary for subsistence, and roughly one-fourth of what is needed for an adequate standard of living.

The administration bill will increase the income of 10 percent of those now on welfare, and it will reduce the income of 90 percent of those who are now on welfare, because it contains no safeguard that welfare benefits under the bill will not be less than they are under present law. Failure to require States to protect persons already receiving AFDC from a reduction in benefits could mean the termination or reduction of welfare payments to about 2 million recipients.

Although, on its face, the administration bill appears to maintain income levels, in fact, it defines the level of present benefits in such a way as to exclude many benefits that families on welfare now receive. States are required by the bill to supplement the Federal floor up to the level of present benefits, which sounds all right, but the bill then defines present benefits in a way that grossly underestimates their actual value.

Under the administration plan, the level of present benefits is determined on the basis of payments made to a family with no income. The Senate Finance Committee, after examining the method of computation in the administration bill, has concluded that in 22 States its application would reduce or cut off welfare payments to most of the families that have earned income. This would affect adversely over 450,000 families now on welfare.

In addition, many States supplement present benefits with special grants, made on an irregular basis to cover emergency needs as they arise. Although the benefits vary from State to State, grants are made for such necessities as clothing and furniture, special assistance to pregnant women, infants, and diabetics, and for other emergency requirements. Special grants achieve a better use of limited welfare resources by distributing some payments according to need. But the administration bill makes no mention of these and does not take them into account in the determination of payment levels based on present law and, in fact, makes no reference to them at all.

Under present law, 23 States and Washington, D.C., pay benefits to families with unemployed fathers. As of January 1970, 90,000 such families in those States were receiving payments in excess of $1,600. The administration plan allows such families the basic $1,600 benefit but effectively prohibits them from receiving any more. Thus, in these 23 States and Washington, D.C., the family with an unemployed father will be worse off under the administration plan than under present law.

The family assistance plan has been widely praised for providing a minimum income floor—$1,600, which is really a subbasic level. Few people realize that it also sets forth a maximum benefit ceiling for Federal matching purposes. This is more significant and really more effective. Benefits would be cut off at a level determined by reference to the pov-

erty level stated in the bill; thus, families are effectively prohibited from receiving payments in an amount above the poverty level. Two States, New York and New Jersey, already pay benefits at a level above the poverty line. By establishing a ceiling, the administration plan would reduce benefits for over 1,450,000 persons in these two States alone. Moreover, it would effectively prohibit other States from any future increase in benefits above the poverty line. This is the effect of the bill with reference to physical poverty itself.

What will the program do for community and family stability? Again, the answer is disappointing.

When the President announced the plan 16 months ago, he criticized the present welfare system for encouraging family breakups. He said:

> The present system creates an incentive for deserting . . . the children are denied the authority, the discipline, and the love that comes with having a father in the home. This is wrong . . . Any system which encourages a man to desert his family, rather than to stay with his family, is wrong and indefensible.

Yet the administration plan perpetuates this wrong and adds another. Along with creating the incentive to drive the father out of the family, it would also drive the mother out of the house. That is scarcely an improvement.

By lowering the benefits for families with unemployed fathers, in 23 States and Washington, D.C., the administration bill would pay these families less than is paid to a family with no father at all. In other words, a family with an unemployed father would receive higher benefits if the father disappeared. Thus, in 23 States and Washington, D.C., the administration plan would create financial incentive for family breakup.

More serious as a blow to family life is the forced-work requirement when it is applied to mothers in families without a father. All mothers without preschool children would be subject to forced-work requirements. Such mothers would be required to accept whatever job is available or suffer a severe reduction in benefits. In effect, the mother with young children—6, 7, or 8 years old—will be forced to take work rather than devote herself to her family. The work could be in institutions or industries that require an evening or all-night shift. If her 6 and 7 year-old children attend school from 9 a.m. to 3 p.m. and the mother had to work from 3 p.m. to 11 p.m. she would have no time at all with her children. The forced separation of children from mothers, or mothers from the home, in an arbitrary, sweeping ruling of this kind is scarcely conducive to a stable and improved family life.

What does the plan do for the self-respect of the people on welfare? Again, the answer is: Very little. The forced-work program is a major feature of the administration plan. In fact, the program was referred to in the recent campaign as "not a welfare program but a work-fare program."

What does this program do to the person who must either accept available jobs or suffer a drastic reduction in benefits? Today, when an employer is not covered by minimum-wage laws, he is forced by the market to pay a subsistence wage. If he pays less, it is difficult for him to get anyone to work for him. But under the administration plan, he could offer as low a wage as he wanted and still be assured a continual supply of cheap labor. He need only inform the local welfare office that jobs are available; the poor must then work for him no matter what he pays or lose their benefits. This, it seems to me, encourages practices which even the free market by itself would not allow. It is a modern version of the debtor's prison—without walls.

The forced-work program, as now written in the bill, will encourage the proliferation of jobs that pay a substandard wage. By enabling employers to pay substandard wages, it will depress wages for all men who work at the lower end of the salary scale. By assuring employers a cheap labor supply, it will interfere with the efforts of workers to organize for higher wages. Welfare reform should not be used to subsidize industries that pay less than an adequate wage. The forced-work program will force recipients into employment of substandard wages. This is a formula for continued dependence on welfare rather than genuine economic independence. The way to encourage real self-support is through the creation of jobs that enable men to maintain a decent standard of living on the basis of an income which they themselves have earned. If welfare reform is to truly encourage economic independence, no one should be forced to take a job that pays substandard wages.

The data assembled by Anthony Downs in a report for the Committee for Economic Development, entitled "Who Are the Urban Poor?" make clear the inadequacy and, in many cases, the irrelevance of the Nixon administration family assistance proposals. A program that is supposed to eliminate poverty, as President Nixon has frequently put it, by moving the poor "off the welfare rolls and onto the payrolls," fails in its very conception because it has inaccurately defined the problem.

Most significant is the report's conclusion that nearly half—about 47 percent—of the urban poor have no chance of becoming economically self-sustaining. They include those in households headed by first, the elderly—18.3 percent; second, disabled males under 65—4.5 percent; third, females under 65 with children—23.7 percent.

The Downs report refutes the image, held by many Americans, that the poor are largely a bunch of shiftless ne'er-do-wells who are too lazy to work. It points out that only one-eighth of all metropolitan area poor are in households headed by a nondisabled man under 65 who is either unemployed or underemployed. In terms of unrelated individuals rather than family units, the shiftless or lazy would, of course, account for an even smaller fraction of the urban poor.

Who, then, are the urban poor?

The largest group, 42.2 percent, is made up of children under 18. The second largest group is over 65—18.3 percent. The third largest group is composed of adults in households headed by a female under 65—17.6 percent. In 1968, half of the urban poor lived in families headed by a female.

The fourth largest group—11.9 percent—is made up of adults in families headed by a regularly employed man who earns a very low income. If one included the children in such families and the female-headed households where the mother works regularly but earns little, it can be seen that the poverty of approximately one-third of the urban poor is the result of low earnings, rather than unemployment, underemployment, or inability to work caused by disability or old age.

Most significant is the conclusion, based on the figures above, that about 47 percent of the urban poor are in households that cannot be expected to become economically self-sustaining at any time in the future.

In addition, the report concludes that urban poor children—42.2 percent—find that—

> The poverty in which they lived is likely to afflict them in such a way as to reduce their future income, income-earning capabilities, and
>
> Although poverty is technically defined as having a very low annual income, for many people it is also a chronic state of failure, disability, dependency, defeat, and inability to share in most of American society's major material and spiritual benefits. Their continuance in this deprived state is reinforced by many institutional arrangements in our society, including those supposedly designed to aid them.

The Downs report notes that there has been little change in income distribution in the United States in the last 20 years. Whereas from 1938 to 1947, equality increased significantly, since 1947 the lowest fifth of all families have received a nearly constant share of the total aggregate income: In 1947, 5.0 percent; in 1950, 4.5 percent; in 1968, 5.7 percent. The highest fifth of American families received in those years respectively: 43 percent; 42.6 percent; and 40.6 percent.

Some income redistribution is occurring but not enough. Transfer payments—social security benefits, welfare, veterans' benefits, unemployment compensation, and so forth—have helped but not very much. Of 10.8 million households in the United States that were poor before transfer payments, 4.7 million were lifted above the poverty line by transfers, but 6.1 million remained in poverty even after receiving such transfers.

The report estimates that the "poverty gap"—based on the Social Security Administration definition of poverty as income less than three times the necessary expenditure for a minimum diet—"could be largely eliminated in the United States with only a modest change in the distribution of incomes." In 1968, the gap was estimated at $9.85 billion, an amount considerably smaller than the annual increase in Federal income tax receipts expected in the near future even without a tax increase. This annual increase in revenue will be the result of the interaction of economic growth and inflation

with the progressive Federal rate structure. Thus, if only a small part of that fiscal dividend were devoted to lifting the poor out of poverty in the next few years by means of larger transfer payments, the poverty gap could be done away with, even without a tax increase. The Downs report estimates that—

> Such a redistribution could be accomplished if each non-poor household was willing to sacrifice about one-half of its expected annual gain in income.

This seems so small a price to pay, particularly when measured against the results of poverty: For example, the inadequate diets in 63 percent of families with incomes below $3,000, diets which may inhibit the growth of the brain, particularly in young children, not only retarding their mental capacities, but affecting their ability to escape from poverty when they grow up.

Further, the cultural and psychological atmosphere in many poor households affects the child's sense of security and belonging, and he may then become less able to profit from school, falling further and further behind and often dropping out. The mother in a poor family is likely to be able to devote less time and attention to her child because she may have more children—as do poor families on the average—because she may have to work, and because she may be less familiar with child-rearing techniques than are wealthier mothers who regularly consult doctors.

In the case of poor families headed by nondisabled but unemployed males under 65, unemployment is clearly the major cause of poverty. Some of these male heads of families undoubtedly are unemployed because they lack a marketable skill or because of lack of basic willingness to work hard. These deficiencies, in turn, are often the results of prior conditions of poverty suffered during the childhood. Poverty inhibits the development of employment skills and tends to perpetuate itself by reducing employment opportunities.

Among the employed, the problem is a little less severe, but still grave. At the minimum wage of $1.60 per hour, the income of a man who worked a 40-hour week for 52 weeks of the year would be $3,328, an income that will put a family of four below the poverty level. And many men who work a full year are paid less than this minimum wage. It is estimated that at least 10 million jobs in the United States are paying less than the current Federal minimum wage.

Moreover, many social institutions tend to increase or emphasize dependency, exploit the poor, create obstacles to opportunity. Among the examples cited by the Downs report are:

The urban poor often pay more for their food and staples, mainly because they tend to shop in small local stores.

The urban poor pay much higher prices and interest rates for credit merchandise.

The urban poor pay more, or only a little less, for much poorer quality housing, with poorer services and neighborhood amenities. In addition, the urban poor have fewer opportunities to improve their own homes because few lenders will provide mortgages for purchase or improvement of housing in low-income areas even if the borrower has good credit.

The urban poor benefit much less than do the more wealthy from Government subsidies, for example, housing subsidies, the largest of which is the income-tax deduction for property tax and interest paid by homeowners.

Urban renewal benefits real estate developers and high-income renters, but displaces the poor without adequate compensation, forcing them into already overcrowded housing, often at higher rents.

Highways are often deliberately routed through poor neighborhoods, until 1968, without adequate compensation for those displaced.

New jobs are being created largely in the suburbs far from the central city areas; the poor are handicapped in getting to such jobs by lack of adequate transportation. Further, movement of such jobs to suburban areas is encouraged by the same highway construction that imposes unfair costs on low-income neighborhoods.

The next question with reference to the program is whether or not it would provide for more efficient administration. There is no reason to believe that it would. First of all, much of the criticism of the social worker is unwarranted. Much of the criticism of welfare departments of States is unjustified. At best, if this program were to be carried through, it would provide a Federal bureaucracy in place of a State bureaucracy.

This underscores a point made by Charles Reich in an article entitled "The Greening of America," in the New Yorker magazine of September 26, 1970. Problems of the poor, Reich says—and I agree—are compounded by the principles of administration and of the hierarchy of "public welfare," which, he says:

> Offers an example of the administrative model of society. The object of public welfare should be to protect people from the hazards of forces in an industrial society that are beyond their control and from the other hazards of life against which neither family nor local community any longer offers help—to provide every person with a minimum standard of security, well-being, and dignity. With the introduction of administration as the means for carrying out public welfare, the emphasis shifts to regulation of exactly who is qualified for welfare, how much is allotted, how it is spent, whether rules are being followed. A large apparatus is developed for checking up, for keeping records, for making and enforcing rules, for punishing infractions. Some of this may save money, but the saving is minimized by the costs of administration. Some of this may also serve the purpose of punishing the poor for not working, even though many are unable to work. But the "accomplishments" of administration are almost secondary; after a while, what it does ceases to have an outside reference and it acquires a life of its own.

The latest word is that the administration, continuing its year-long desperate efforts to appease first the conservative critics and then the liberal critics, is now ready to include some 50 additional amendments, few of which will have any significant effect on the deficiencies of the current proposals.

The most progressive and realistic provision of the bill is that of providing income supplements for some working poor now ineligible to receive them.

Even with the desirable changes—increasing the number of working poor eligible for welfare, shifting the primary fiscal burden to the Federal Government—we would still have essentially the same old system, and the same problem: not enough money, not enough freedom.

Supporters of the bill have admitted all these defects. They argue that the bill should be passed now in order to establish the principle in the hope that at some time in the future the income floor will be raised to a decent level. They seem to assume that the Congress will not in the future be willing to establish the principle but that it might breathe life into a dead principle if the principle is already stated. In the meantime, let the poor eat and wear principle.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCARTHY. Mr. President, I ask unanimous consent that I be permitted to continue for an additional 5 minutes.

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

Mr. McCARTHY. Mr. President, I think that those of us who have been in Congress for 20 years know the background of this matter.

In 1945 the Full Employment Act was adopted. That act established the principle that we should have full employment in this country. The adoption of the principle has really not had the effect of our taking action to provide full employment.

In 1949 we established the principle that every American had a right to decent housing. If anything, the housing in this country is worse some 20 years later, even though we adopted the principle in 1949.

We have adopted the principle that every American should have a proper and becoming education. The adoption of that principle has had little discernible effect upon the programs we have enacted and financed toward accomplishing that objective.

Here we are called upon to enact a program which would have the effect of reducing the income of 90 percent of the people currently on welfare.

Mr. President, it seems more reasonable to me to assume that a Congress willing to raise the floor to a decent level would be as willing to adopt a principle to go with the reality. In fact, the passage of the administration bill is more likely than not to create complacency and reduce pressures for full and substantial reform. The core of reform is an adequate income level, not a statement of principle. The passage of a bill containing worthwhile reform may be less likely if the administration bill passes in its present form.

Only greatly improved and enlarged public assistance programs, combined with adequate child care facilities for mothers of older children who wish to work, can hope to alleviate the now hopeless lot of these families. Income assistance, in whatever form, should be under

simpler and less degrading adminstration.

In the long run, a basic change in philosophy and in the system that now freezes the urban poor in their poverty is the only way to attack urban poverty effectively.

If this bill is to be passed, it should be amended in several major respects. Even as amended it would not be revolutionary.

First. There should be assurance that the interests of families now on welfare will not suffer. Payments under the new law must be at least equal to the level of present payments.

Second. It should include the value of special grants in computing present benefit levels. If special grants are not taken into account, many persons and families will be worse off under the new program.

Third. Provisions of the bill which encourage disintegration of the family should be changed. Otherwise, the family assistance plan may become a family destruction plan.

Fourth. The forced-work provision should be transformed into an incentive program that offers a decent job at a living wage. No one should be forced to take a job that pays less than an adequate income.

Fifth. Genuine welfare reform should establish adequate income as a national goal rather than set poverty income as the uppermost limits for benefits. The poverty line ceiling on benefits should be eliminated from the bill.

Sixth. The constitutional rights of all Americans must be guaranteed to poor people.

There are two governments in America, writes Charles Reich in the article already cited: One under the Constitution and one which is not under the Constitution. I think that he has oversimplified and that there are, in fact, some three or four different systems of law, social organizations, family, and economic institutions in this century.

The way in which the Constitution and the Bill of Rights—the general laws of the country—have been suspended or qualified in their application to the poor is one of the scandals of America—a scandal that should be ended. Certainly we should attempt to make some progress toward ending it.

Adequate family income should be recognized as a basic civil right for Americans. Real reform of the welfare program will come when we not only recognize this right of every American to a decent standard of living, but commit our Nation to securing that right for all.

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

Mr. McCARTHY. I yield.

Mr. HARRIS. Mr. President, I am pleased to join in the excellent statement that the distinguished Senator from Minnesota, my fellow member of the Finance Committee, has just made about the family assistance plan and the need for real welfare reform in this country.

Yesterday morning Daniel Patrick Moynihan, White House counselor, and Under Secretary of Health, Education, and Welfare, John Veneman, came to my office.

They came and wanted to know whether there was a chance to work out a real reform bill. I at that time gave them a written list of the minimal requirements that I thought any real welfare program to be passed by the Senate ought to meet. That list was pretty much covered in the statement the distinguished Senator from Minnesota made today.

I agree with what has been said here. It is imperative that we have not just the principle but also the reality, and that reality and the principle should begin together. It is not too late for real reform in this country, which is so desperately needed. If the administration will come forward and agree to go with the kind of bill the Senator from Minnesota has outlined and the kind of bill which I have outlined in the material I furnished to these representatives of the administration, I believe we could do the right thing in this country, really reform this system and do it without hurting anyone, but by helping everyone, including all of us who are citizens of this country.

I thank the Senator for the leadership he has given in this matter.

Mr. McCARTHY. I thank the Senator from Oklahoma. I am hopeful we can come to a positive program, such as he has discussed and recommended to the administration, and that it will be accomplished before the end of this session of Congress.

## ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois (Mr. PERCY) is recognized for not to exceed 20 minutes.

## THE SUPERSONIC TRANSPORT

Mr. PERCY. Mr. President, today I wish to address myself to various aspects of the Government's role in financing the development of the supersonic transport.

First, however, I suggest putting the SST into historical perspective. When the House Committee on Science and Astronautics considered the SST back in 1960, and recommended its development, our national attitude toward technological progress was very different from what it is now. In 1960 we were only 3 years past sputnik, and all over the country we had been working to make science a priority concern. Largely in reaction to the Soviets having put a satellite in orbit, we agonizingly reexamined our schools to find out why children were not growing up to be more scientifically literate. We developed new science courses for the schools, and we put more money into college-level science teaching, and more money into science research. We accelerated the space program, and established the man on the moon goal, which we recently attained.

In the early sixties we glorified the entire range of technological achievements typified by the space program. It was not surprising that the SST was given the go-ahead, because it was regarded as another potentially elegant American technological achievement—in the same class with satellites and moon rockets. When President Kennedy in 1963 asked the Congress to approve the project, he said that the SST would "demonstrate the technological accomplishments which can be achieved under a democratic, free enterprise system," and that the SST would "advance the frontiers of technical knowledge."

At that time these goals seemed reasonable. By 1970, however, we have accomplished great technological feats and reaped appropriate credit. In comparison with putting men on the moon, the SST is small potatoes, and everybody knows it. For several years the U.S. Air Force has had in routine operation, a fleet of supersonic—mach 3—SR–71 reconnaissance aircraft which fly higher and faster than the designs of the SST. But we are still grappling with an SST program. Although much money has been spent on the program, we now have an advantage in our decisionmaking, because much more is known about the type of aircraft that will result from the program, about its environmental effects and its economic prospects. We are also not making decisions in the emotional, science-at-any-cost atmosphere of the early 1960's. We are trying to weigh the costs of the SST, in dollars and in environmental degradation, against the benefits claimed for the program. It would be well, therefore, for us to focus on some of the financial implications of the SST development program.

### THE FEDERAL ROLE IN FINANCING DEVELOPMENT

In the SST program the Government has undertaken to finance the development of a private civil aircraft, which is to be sold in a competitive open market. How well does the program stand up to the criteria of private capitalism? Ordinarily, a business concern looks for a market, and then builds the product to fill that demand. The free enterprise system has a built-in system of incentives that keep the entrepreneur aware, every step of the way, of the risks he is taking, and in the most realistic terms, aware of the market outlook for his product. If he has a product that looks like a poor seller, he will have difficulty raising the capital to produce it, because a commitment to a poor or risky product denies investors the chance to invest in a more certain and more profitable one. He commits his limited resources to a product whose success he can reasonably predict, not one whose success depends on a chain of tenuous assumptions and involves unduly high risks.

In the case of the SST, the Government assumed both roles—entrepreneur and investor. As William Magruder, director of SST development, has stated in hearings before the Appropriations Committee, the Government initiated the project and took it to the corporations on a contract basis. The project thus became a sure thing for the companies that are building the SST; they do not have to worry about the risk,

or about the alternatives to which they could apply their time and money. If they do what they agreed to do under the contract, they get paid. However, there are no performance guarantees. Thus, for the life of the prototype program, the contractors need not concern themselves about the market for their product. They have a guaranteed market, consisting of the Government. They chip in 10 percent of the costs, and the Government pays the rest.

LACK OF INCENTIVES FOR SUCCESS

Because of this, the usual incentives that make a business venture constantly adjust itself to the market outlook are absent. This accounts for what appears to be a lack of concern with the SST engine, which Aviation Economist George Eads termed "a marginal performer." Lack of the market incentive makes it possible for SST proponents to promise noise-reduction devices, because they can ignore the outcome Dr. Eads cited—that the engines "cannot bear the weight or thrust penalties that would be imposed in order to conform to any reasonable noise standards." Engines large enough to produce the required takeoff thrust and support noise suppressors would penalize the aircraft unacceptably in payload and range.

This is only one symptom of the general problem—that a Government R. & D. program is not a trustworthy place to build an airplane that has to survive the market test. Our history with military aircraft bears this out. As long as the military purpose of a plane was more important than its costs, Government R. & D. worked fairly well. But only one American military plane had even modest success in commercial aviation—the Boeing Stratocruiser. The rest could not compete because the high costs made them unfeasible for commercial service. For instance, Lockheed went to the expense of having the C–141 cargo aircraft certificated by the FAA for commercial service, but none has been sold for that purpose. Other aircraft developed for commercial service, such as the DC–6 and the Boeing 707, had military predecessors. But Government-funded development has not been a source of viable commercial planes.

I would like to interject here that I have discussed the matter with officials of the Department of Defense, and various officials in the Air Force and the other services to see whether or not there is any military need for the SST. If it is commercially feasible for us to fly passengers or cargo at that rate of speed, the military, certainly, which never holds back on its requirements or needs, might have a comparable use. There is simply no possibility that the military will underwrite a penny of this cost. There is no military use. They cannot afford the low ratio of payload to high cost to move men and materials any place in the world to wage war or for the purposes of defense.

I maintain if it is not worth it to the Pentagon, it is hardly feasible to the commercial airlines which now have an 80 percent debt ratio and can hardly afford purchases of the 747 much less the SST.

We are not talking only about the costs of development. We are talking about the cost of underwriting preproduction and production. The deeper we get into this quicksand, the more difficult it will be to extract ourselves.

I would like to say to my colleagues that if at any point they wish to interject their comments or questions, I have no objection to being interrupted in my statement.

UNCRITICAL MANAGEMENT

Can we substitute a careful Government watchdog function for these market incentives? Apparently not, to judge from the vigor with which the Department of Transportation has assumed the advocate's role in the SST matter. Ordinarily, we might expect the Department to carefully scrutinize this program. Instead, we find that the scrutiny is mainly concentrated on responses to those aspects of the SST that have become public issues. The fact that the SST was going to be so noisy that airport operators might ban it somehow escaped the attention of the Department of Transportation until a few weeks ago, when it decided the subject needed further study and announced a multimillion-dollar research program.

Another symptom of the preference for advocacy rather than critical analysis was the 1966 feasibility study of the SST program, done by the Federal Aviation Administration. The frequently cited prediction that 500 SST's could be sold comes from that report, and it was based on the assumption by the FAA that passengers value the time saved on an SST flight at one and a half times their earnings per hour. When the Institute for Defense Analyses studied the SST market for the FAA and offered a prediction that, at $40 million apiece, only 366 SST's would be sold by 1990, the FAA was not satisfied.

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

Mr. PERCY. I am delighted to yield to my distinguished colleague from Wisconsin, who has been a pioneer in the fight for righting national priorities, and for this reason, has consistently opposed the SST. In fact, he had "religion" long before I did. I voted for it last year, and consider that vote the biggest mistake in judgment I have ever made on the floor of the Senate.

Mr. PROXMIRE. I want to say to the Senator from Illinois that a principal reason why we have a good chance to stop the SST now is that now we have his advocacy not only on the floor but especially off the floor. He is as persuasive a Senator as any I have known in the 13 years I have been here.

The Institute for Defense Analyses assumes that, from their data, perhaps only 366 SST's would be sold by 1990. I might point out to the Senator from Illinois that Dr. Walgreen, an eminent economist, working for the Defense Department made a similar study. He made similar assumptions, and concluded that only 139 SST's would be sold if the SST were confined to flights over water and not allowed to fly over land.

On that finding, if 139 SST's were sold, a very interesting situation would develop:

No. 1, the Government would lose virtually all of its money. It would lose virtually the entire amount of $1.3 billion it put into the program.

No. 2, the aircraft manufacturers and the airlines would make about $500 million out of this program.

So that if it works out in the way that Professor Walgreen, who is an expert in this area and who studied it very carefully, has estimated it might work out, the Federal Government loses everything, but the manufacturers and the airlines makes money out of it.

So this is really a heads-I-win, tails-you-lose proposition. Uncle Sap, Uncle Sugar, is going into this with the taxpayers' money with everything to lose and nothing to gain. There is no way to come out of it even.

Even if this were a smashing success and 500 or more SST's were sold, the Federal Government would get back between 4½ and 6 percent on its money, but it has to pay more than that in interest in order to borrow the money to finance the program. So there is no way the taxpayer can gain, unless we assume it is good for people to get cancer of the skin, which some scientific experts said only yesterday could occur from the SST fallout overhead. Unless we say that that fallout was good for the taxpayers, who will never fly overseas, or do so very rarely, I do not see how he can come out even.

So I think the Senator from Illinois has raised an excellent point in bringing these figures to our attention and trying to determine what will be the economic consequences of the SST sales in the marketplace.

Mr. PERCY. I would like to respond with some new information, which I do not have in my speech, but which I think I should reveal to the distinguished Senator from Wisconsin; but I would like first to yield to my distinguished colleague from Kentucky (Mr. COOK), who also has forthrightly stepped up to the mark on this issue and has looked it squarely in the face. I think he is the one who said the SST is nothing but a west coast WPA project—a statement which forthrightly expresses his particular viewpoint. I am happy to yield to my distinguished colleague.

Mr. COOK. Mr. President, I would like to add to this colloquy and refer to the statement made by the distinguished Senator from Wisconson. The Senator does not really believe the Federal Government is going to get its money back even if it builds 339, does he? I say this because the House Appropriations Committee was advised by the Department of Transportation that the cost increase for this project has increased by $76 million during the past year. Some people have tried to convince me to vote for the SST on the theory that the Government is going to get its money back. I think we are being very foolish if we think the U.S. Government is going to get a return on its money on a project that private bankers and financial lending institutions believe is a money loser.

Mr. PROXMIRE. Mr. President, if the Senator will permit me to comment on that, because that is an excellent point, I overlooked in my response to the Senator from Illinois, the fact that there can be overruns, and big ones. We get overruns any time we get into big technology problems. This is not a question of using simple metals. There is involved in this U.S. SST a brand new metal, brushed titanium honeycomb, an exotic metal, not used before. So when we get into these new materials, overruns are common.

The Government, as the Senator from Kentucky has pointed out, has not a chance to get its money back.

Mr. PERCY. Mr. President, may I respond to both of my colleagues on that particular point? I took it on myself to speak on the Concorde program not only in this country, but in England, to the best experts I could find.

Mr. McGruder has the responsibility of selling this program to the Congress and to the country for the administration. He came to my office and I said:

I would like to offer this proposition to you. Let us forget all the environmental factors for a moment—factors which I do not think we can forget except in theory—and get down to dollars and cents. Let us assume I would be willing to put in a piece of legislation to make the airlines and the aircraft manufacturers and everyone else absolutely whole on this project. I would be willing to sponsor legislation that would free them from any obligation to pay the Government back a penny of the money it has already spent. In fact, I would not only free the airlines of the $700 million obligation for funds the Government has already put in, but another $100 million in addition. I would be willing to sweeten the pot and put in another $100 million so that the airlines would have $1 billion even, if you get the Government out of this program, so we can make a rational decision on the basis of whether or not it is economical to go ahead with the SST project and whether the economic opportunities are such as to make it worth while, even if you have to pull it out of landing at Los Angeles and New York.

On the basis of this proposition, I asked Mr. McGruder:

Would the aircraft companies and banks pick up the remaining balance of $300 million, freeing them to put up their own money for the purpose of developing an economically viable project?

I have already gone to some banks and airlines and suggested this.

Mr. McGruder reported back that he had contacted investment companies and there was absolutely no interest expressed on the part of any banking or investment firm, regardless of how large a consortium might be involved, in putting one single penny of private interest money into this project, even with the incentive that they would be free from obligation to pay this money back.

I simply ask now, if the airlines and the manufacturers and the banks will not finance it, why then stick the customer—the taxpayer—with these enormous costs in order that a businessman might save a couple of hours, two or three times a year, when he flies to London, especially when that same businessman often cannot in less than 3 hours commuting time get from his home to work and back every single working day of the week?

Now, to me, that just does not make any sense whatsoever but a lot of things in Government do not make sense. What we are trying to do is make sense out of these programs on the Senate floor through a rational analysis of prospects for payback for the country, for the taxpayers, and for the public generally—not for a very small specific group who might stand to benefit somewhat by the SST.

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

Mr. COOK. Mr. President, I would like to add one more thing, if I may. Let us suppose the Federal Government does realize a small return on its money. Are we going to figure into this project the costs that the Federal Government is going to have to pay to develop local airports along the east coast and west coast of the United States in preparation for this aircraft? Are we going to have to pay local communities for the sound abatement equipment that will be necessary, if we can convince them to adapt their local facilities for the utilization of these aircraft? If we are going to have to pay for those things—and obviously we are—should not these costs also be included in the total amount that the Federal Government must expend on this questionable project? Or will these other development costs come before the Senate in another appropriation bill?

In order to determine whether the project is profitable, I think we must look at the whole ledger. If we are going to look at it like a business proposition in order to determine what amount of money will be returned, then we must take into account all the airport modifications that will have to be made.

There is one other question that should be raised. Were any Federal funds of any kind put into the 747 program? I think the answer is no. They knew it was an economically viable aircraft, and thus the free-enterprise system put its money and talents into it. They did not ask for a dime of public money.

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

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. PERCY. I ask unanimous consent to proceed for 10 additional minutes.

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

Mr. PROXMIRE. Will the Senator from Illinois yield to me to respond very quickly to the Senator from Kentucky?

Mr. PERCY. I yield.

Mr. PROXMIRE. The Senator from Kentucky raises again a highly important point: That the real costs are not simply the costs involved in expenditures by Boeing or by the Federal Government. Professor Moss at MIT has pointed out another significant cost. He argues that because of the fantastic noise within 2 or 3 miles of the airport, the so-called sideline noise—and he is a brilliant sonar engineer—every home within 15 miles of Kennedy Airport—which is hundreds of thousands of homes—within 9 miles of O'Hare Airport in Chicago, and within 9 miles of the airports of Los Angeles and San Francisco, would have to be soundproofed, at a cost of $6,000 each. Would the Federal Government have to pay for that?

Mr. COOK. We would be asked to.

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

Mr. PERCY. I am happy to yield to my distinguished colleague from Arizona, who is an aviator of great note himself, and we value and welcome his comments.

Mr. GOLDWATER. I have been interested to listen to the Senator's comments this morning, and to the half-truths and untruths that have emanated from some so-called scientists. I have become convinced that we have some scientists and economists in this country who can be more easily prostituted than some girls on Saturday night.

The Federal Government has built canals; we built the waterway down the east coast of Florida. We build ships, highways, and airports. I do not see anything new about the Federal Government being in the transportation business. I think it was just yesterday, when I was in Mexico City, I read where Secretary Volpe had announced a new quasi-public railroad system.

So where do we draw the line? We are trying to keep 50,000 people employed. I think it would cost far more than $290 million to keep those people on the unemployed rolls—more than it will cost to keep them working.

Again I ask my friend from Illinois, what is different about building an airplane from what this Government has been building, ever since it became a government, for transportation?

Mr. PERCY. I shall be happy to reply. If I may quote from a well-known book, "The Conscience of a Conservative," there is a growing tendency on the part of the Federal Government to get into more and more and more fields, and we do have to start drawing the line.

I would certainly say we ought to draw the line where it makes no sense whatsoever, on any basis, to go into a program—particularly when that program stands to benefit only the top 1 or 2 percent of the population. That ought to be a clear-cut case where we can draw the line. If a proposal is merely going to benefit either the high-income people who can afford to go around the world, or businessmen who have expense accounts and can afford to get to London or wherever they are going regardless of cost, then I think we ought to draw the line there, and tell them that they ought to have what commercial aviation can provide to them.

But when the Federal Government goes into and subsidizes such programs, and leaves the low-income people in my city of Chicago; for example, without adequate transportation because a transit system is going broke with a $25-million loss this year, and increases every year or two in rates for mass transit force the low-income people completely out of access to mass transit, I would say the priorities are entirely out of line and we ought to try to find a way to help the

lower income people, rather than cater to a very small fringe group at the top.

And as I ask, even for that group, what sense does it make to try to save them a few hours at such a cost? I have just come from a trip that took me all over Africa and Europe, and I could not figure out at all where the SST would have benefited me on the long flights I took, from Helsinki to Addis Ababa in Ethiopia, and Nigeria, and all the way up to London. What time could I have saved? They could not have made those flights nonstop, because their range is so short. They could not have gone over land areas; they would have had to go out to sea. I do not know whether the city of London would have even let the plane land.

With that kind of rationale facing me, I cannot possibly see why the Federal Government or the Federal Treasury should invest in such a program. It really astounds me that an outspoken and articulate conservative could argue that as long as the Federal Government is in all these other things, why not let them get into this other element?

Let them get into everything, then. I just cannot see the sense of it.

Mr. GOLDWATER. If the Senator will yield further, it makes sense to me, for one good reason. I do not say that the airlines need this airplane today or tomorrow.

Mr. PERCY. If they had it, it would break them.

Mr. GOLDWATER. Maybe not even in 1980. But some day, some airline in this country, in answer to competition which will develop overseas, will ask somebody for an SST, and we will not have it.

The only industry in which this country leads the world is the aircraft industry. The Senator wonders why a conservative like myself would see sense to this proposition. I see a return on it. I do not see returns from some of the investments we have made, in canals and highways, and so on; but I think in this case, whether we are talking about the supersonic transport or what, the fallout will be of tremendous value to this country, just as from the $28 billion we have spent on space. The fallout from this program, I am sure, will be, as I have stated before, more than $28 billion within the next 5 years.

Either we are going to have this airplane or someone else is going to have it. I imagine the same arguments were made when Henry Ford started to make automobiles. I imagine the same arguments were made about the subways, and about trolley cars. Here we are looking at something the world is going to have, whether we vote for it in the Senate or not. The world someday will have SST. Not today, not tomorrow, but it is coming, just as sure as we stand here arguing about it.

I understand thoroughly the Senator's objection to this. I respect it. I know that he has tremendous background in the fields that can give him the answers to this. But I have to say that I think we are going to make a tremendous mistake, and I think everyone in this Chamber will live to regret having denied this country continued leadership in the one industry in which we still retain leadership.

Mr. PERCY. I should like to respond, because again I appreciate very much the distinguished Senator from Arizona's comments.

I think the use of the term "fallout" is probably correct in this case. My own analysis would be that the $27 billion figure cited would be our deficit, not our gain. There is no possibility, by anyone's estimate, that in the next 5 years we would gain a cent on this project. There would be nothing but cost.

The Concorde, for France and England, stands as a paramount example of the hole you can dig for yourself. They have $1,800,000,000 in that hole now, and they still do not know what to do about this project. They said they would make a decision in the next 2 weeks. I think I know what they are going to do. I am guessing that they will decide to delay that decision for another 6 months and put a few new parts in, to save face. There is no possibility that that plane can ever pay off for them. If they sell any, they will sell every one at a loss. It will be a C–5A contract all over again.

The statement that the aircraft industry is the only industry in which we have preeminence is factually incorrect. I point to the computer industry. We have something like a thousand times the number of computers that any other country has. We are absolutely dominant in that field.

Mr. GOLDWATER. We no longer lead in the manufacture of computers or radios or television. I am talking about an industry in which we lead.

Mr. PERCY. I would say that the computer industry is dominated by the American market, and every country in the world knows it.

My good friend is one of the most distinguished photographers in America today. I envy the beautiful work he has done. I would say to him that I do not think we take second place to any one in the photographic industry. There is a little company in Rochester, N.Y. that has a little box, and it seems to dominate the world.

Another industry is the machine tool industry. I could take all afternoon just to list the U.S. industries which dominate world markets.

The PRESIDING OFFICER (Mr. SAXBE). The time of the Senator has expired.

Mr. PERCY. Mr. President, I ask unanimous consent to continue for an additional 5 minutes.

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

Mr. PERCY. None of those industries, none of those companies, ever came to their position of preeminence through Federal money. Only one industry in this Nation has really resorted to the use of Federal money, and it is the sickest industry in America—the agriculture industry. It is sick precisely because it became dependent upon governmental intervention to control production, rather than relying on the marketplace.

My good friend from Arizona would simply say, "Well, as long as we have helped another industry, maybe agriculture, then let's help the aviation industry.

I would say that the preeminence of American aviation would be endangered by the heavy hand of Government going in and taking resources and technical people and time and energy and saying, "Do this, regardless of its economic consequence; do this, regardless of whether there is a market for it." The Government seems determined to create a market, and the deeper we get, the harder it is going to be to get out, as my distinguished friend well knows.

Mr. GOLDWATER. I agree that the aviation industry is in sick condition. I do not say this is going to pull it out. I merely say that this is a technological advancement that is going to be made, whether we like it or not, and I would like to see my country do it.

The Senator raised the question of financing this by private means. Does he realize that the entire worth of Boeing—their factories, their land, and everything they own—is only about half of what they need to build this aircraft?

Again, we are going to have this; somebody in this world is going to have it. I agree that the Concorde is not the answer. But they have done it. They have flown it at above mach 1 and a little above mach 2. They have made a step forward that we have not. Although we have flown aircraft faster than that, it is not the transport type.

I feel that this is a necessity. Despite what the Senator from Wisconsin has said about not paying back, I think it will pay back. I think the fallout alone will have this result. I will mention just one, and I will be through—the machining of titanium. This is something we knew nothing about 6 or 7 years ago, until Lockheed got into the supersonic business with their F–11 and their SR–71. It used to cost almost $200 to make one small 4-inch hinge. Now these can be made for under $5. This is a fallout. Titanium is a metal of the future, as the Senator from Illinois well knows. It is a metal we have always wanted to use, but we have not been able to machine it. Now we can. There is a fallout.

I understand the Senator's position. I do not think I have changed it one bit, and he certainly has not changed mine, but I respect his feeling on this matter.

Mr. PERCY. I again appreciate the comments of my distinguished colleague.

I would dislike having it appear that I would stand in the way of technological progress. I am a trustee of Cal Tech and the University of Chicago, and in industry I have tried to stay in the forefront of what is right and proper for us to go ahead with. But I also have had to sit there asking the hard question and rendering the difficult judgment: Does it make sense?

I read the other day that we are technically capable of building an automobile that will go 600 miles an hour. I ask the question: Is it possible to put it on the highway? I think we should reduce speeds on the highway, rather than increase them, because we have not learned how to do it without society's paying too high a price.

Certainly, in the Potomac one can run motorboats up and down at 50 miles an hour; but when I go out, a sign indicates 6 miles an hour is the limit.

The city of New York and the city of Los Angeles have said, "We are not going to let these airplanes land here." Why would we start to build an airplane and put billions of dollars into it when our two principal cities on the two coasts have said already they will not let it land?

We enunciated a policy the other day that no plane can fly supersonically over the United States. Do we think that we are going to be the only country to do that? If this plane is put into the air, every country will ban it. We will have our prize. We will be the prize, biggest polluters in the world, and I think that is a reputation the United States can well afford to give up.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PERCY. I ask unanimous consent to continue for an additional 10 minutes, unless the majority leader feels that I should put my remarks in the RECORD. I have not finished my own speech.

Mr. MANSFIELD. This debate has been most interesting. We are going to get to this matter full tilt tomorrow. Would the Senator set a definite limit, so that we can get back to the morning business? Ten or fifteen minutes?

Mr. PERCY. I think 10 minutes, definitely, finally, and firmly. I would be happy to put my own comments in the RECORD containing the eloquent prose that I labored all night to put together, and yield a part of that 10 minutes to my distinguished colleague who has even more eloquent and deep feelings on this subject.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time be extended 15 minutes.

Mr. PERCY. The generosity of the majority leader overwhelms me.

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

Mr. MANSFIELD. And that the unfinished business be laid before the Senate at the end of the 15 minutes.

The PRESIDING OFFICER. Without objection it is so ordered.

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

Mr. PERCY. I yield.

Mr. COOK. I merely want to say to the Senator from Illinois that it was interesting that the Senator from Arizona raised the question of what the Secretary of Transportation said in regard to the new national rail passenger system.

The rail system in the United States now has a bankrupt Penn Central, a bankrupt Lackawanna, a bankrupt Central Railroad of New Jersey, a bankrupt New York, New Haven and Hartford, and a discontinued Central Railroad of Tennessee. Now, all of a sudden we are getting into the transportation business.

The Interstate Commerce Commission has the duty to regulate the rail system in the United States and now that same system is bankrupt. Furthermore, we are not doing a thing about it.

I say to the distinguished Senator from Illinois that once we decide to finance this project we might set up an agency that is going to run the aircraft industry, and perhaps we will do the same with the aircraft industry that the ICC has done with the railroad industry.

Mr. GOLDWATER. It may come to this.

Mr. COOK. We have a Railroad that is totally federally owned. It is the Alaska Railroad. It has been in existence since the early 1920's. It is completely federally owned. The ICC, which regulates it, will not even allow it to be regulated to the extent that it can make sufficient money to pay back the Federal Government what it puts into it every year. The Railroad has never made a profit since it has been in existence.

Mr. GOLDWATER. The other day, the distinguished majority leader asked us to sign a letter to the ICC, asking for relief for the railroads. My answer to him was to go along, for the reasoning I have for the SST.

The railroads are not going to back it. I do not care who gets behind it. What we need is a new transportation system. I am thinking of 400- to 600-mile-an-hour pneumatic tubes or monorails. It pains me to see large cities such as Chicago, Los Angeles, and New York still running taxis and buses, when we do not have any experimentation going on. This could be a fallout from the SST, if we could get the people of this country to thinking of improving things instead of trying to make things work that have not worked in 50 years and never will work. If the Federal Government takes them over and tries to run them, they will run them into the ground faster than anything I know.

Mr. PERCY. Rather than have a fallout, I think it would be better to take those 20,000 to 50,000 people working on this project and assign them to real problems that demand immediate solutions, such as rapid transit, such as the recent proposal offered by the Secretary of Transportation to cut off any train service between Washington and the second largest city in this country, Chicago, to "improve transportation"; he said there would not be any new funds for 2 years. The investment of the Federal Government would then be $40 million to improve the transportation system in order to reach 85 percent of the people in the United States. The SST is the sort of program where the priorities are absolutely cockeyed. If we can find, this year, $290 million to put into the SST program, we should be able to find, this year, enough money to put into our mass transportation system.

As I comment on that, I would like to express deep appreciation to my colleagues for keeping this battle—a battle of the facts—devoid of ideology.

I do not think that there is a liberal or a conservative position on this matter. It is one of pragmatism, of national priorities. It is a matter of putting first things first.

I am delighted to be joined by my colleague on my right, the distinguished Senator from Idaho (Mr. JORDAN). He serves on the Joint Economic Committee which has studied the SST project. As a confirmed and enlightened conservative, he came to the conclusion that this would be a bad investment for the taxpayers of the United States to make.

My distinguished colleague from Virginia (Mr. BYRD), a conservative who has always been fiscally sound in his outlook, who does his best to see that the taxpayers' dollars are squeezed to the greatest extent possible so as to get the most out of them, has come out squarely against the SST. We have a lineup on both sides of the aisle, of conservatives and certainly of progressives and liberals, who are not about to stand in the way of progress, and who like to see things moving ahead.

Again I would like to commend the able leadership of the distinguished chairman of the Joint Economic Committee, who has provided the Senate with a greater understanding of this subject because of his penetrating analysis. He has been largely responsible for the momentum the program has gained.

Mr. President, now, in the few minutes remaining to me, I should like to complete my prepared remarks, picking up where I mentioned that the Institute for Defense Analysis studied the SST market for the FAA and offered a prediction that, at $40 million apiece, only 366 SST's would be sold by 1990, a prediction which left the FAA unsatisfied. The FAA threw out the passenger preference function the consultants had used in their calculations—a figure indicating that passengers value traveltime at the same dollar value as their earnings per hour. FAA asked the airlines for their estimate of this function, and the airlines responded with a rough estimate that passengers valued traveltime at twice their earnings per hour. The FAA's report states:

> It is evident from comments received from the airlines that the consultants' estimate is probably based on inadequate data.

The FAA then split the differences, and, using a figure of 1.5, came up with the optimistic assumption that 500 SST's could be sold. A later detailed study showed, however, that business travelers value their air traveltime at 0.4 times the hourly family income, and that pleasure travelers value theirs at zero. Since approximately 80 percent of transatlantic air travel is pleasure travel, this throws more serious doubt on the 500-plane market.

The same undemanding attitude of the Department of Transportation is shown by the fact that the prototypes we are being asked to buy are not really very much like the production models already designed. For example, the prototype would be 57 tons lighter in weight than the production specifications and would have many parts made of aluminum, instead of the titanium to be used in production models. As a result, the test flights will not be indicative of the true operating characteristics that will make or break the SST as a commercial airplane.

Mr. President, let me interject here that I have just been handed a story off the news ticker, which reads in part:

> Trans-World Airlines announced 170 more pilots were being laid off, bringing to 570 the number of pilots laid off since April.

Mr. President, I ask unanimous consent to have the full news release from the news ticker printed in the RECORD.

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

KANSAS CITY.—Trans World Airlines announced 170 more pilots were being laid off, bringing to 570 the number of pilots laid off since April.

This was in addition to 2,000 of the airlines' ground employes who were laid off last month.

Ninety of the pilots will be laid off Dec. 30 and 80 on March 1, the Airline Pilots Association local was told. TWA maintains its training and overall facilities in Kansas City. About 30 pilots here will be affected by the latest furlough.

Capt. Hollis Martin, chairman of the Pilots' Union local, said word of the new layoffs came as no surprise.

Company officials, in a letter to employes recently, said sacrifices would be required of all employes and that it would be necessary "to reduce the number of people on our payroll."

Charles C. Tillinghast Jr., chairman of the board, and F. C. Wiser, president, said in the letter the airline is "in a real fight to survive."

Mr. PERCY. Mr. President, with the trouble the airlines are having in financing the airplanes they have in a highly commercial viable market, how are we ever going to finance the operations?

NEED FOR GOVERNMENT CAPITAL

The only justification cited by SST proponents for massive Federal appropriations is the lack of private capital. Mr. Magruder testified in hearings before the Appropriations Committee that—

The size of the financial burden exceeds the capabilities of any single or joint private U.S. industrial aerospace concern.

This is true enough. But in a venture of this magnitude a business concern never relies on its own capital: It borrows the money. So it is immaterial whether the aircraft companies have the money. Funds are available to underwrite good business ventures. The automobile industry, for example, is able every year to get the $500 million needed to finance its model changes.

Mr. President, may I ask how much time remains to me?

The PRESIDING OFFICER (Mr. STEVENSON). Seven minutes remain to the Senator from Illinois.

Mr. PERCY. I thank the Chair.

Mr. President, the real reason for this reliance on Government capital may be found in the 1966 feasibility report, which concluded:

The financial requirements of the program are many times as large as any past commercial aircraft development, and are beyond the financial capability of private industry and the normal credit channels, especially for a program characterized by such high risk.

I think it is clearly the high risk, which DOT did not mention in its testimony this year, that is at the heart of the matter. If the SST were as sure an investment as the DOT witnesses would like us to believe, then private capital would be available.

Since there are many risks involved, many known disadvantages and limited benefits to be gained, the Government should take its money elsewhere, to some of the programs which unquestionably are needed now.

PRODUCTION FINANCING

Quite aside from the development phase of the SST program, it is not clear that private investors will finance the production phase, which is where the repayment of Government funds is supposed to begin. If private financing does not materialize, the Government would have a choice between dropping the program and forgetting the more than $1.7 billion spent on development, or spending more money to get production under way.

The intention of DOT is clear enough—to secure private capital for production. However, Mr. Magruder testified on August 27 that no financing plan will be available until June 30, 1972. That, of course, is of little help to us in making a decision in the fall of 1970. The witness did not volunteer that the due date of the required financing plan has been slipped repeatedly by the Government from the original contract date of mid-1968.

The 1966 feasibility report, which was so certain of success on other aspects of the SST, expressed some uncertainty on production financing. "The engine manufacturer," the study concluded, "could develop the necessary financial support." But the airplane manufacturer—Boeing—was another story. Even then Boeing was at work on the financial plan, which is now not to be available until 1972. After surveying the possible sources of financing, the feasibility report concluded:

In any event, one solution, which would cover all or any part of this financing deficiency, is feasible: The Government could act as a guarantor of the funds required.

I serve as a member of the Subcommittee on Economy in Government of the Joint Economic Committee. In May 1970 we convened hearings on Federal transportation expenditures. One of the witnesses was the Under Secretary of Transportation, James Beggs. Asked by Chairman PROXMIRE whether the Government would get involved in the production financing, Mr. Beggs replied:

Mr. Chairman, I am on record, as I think Mr. Yates stated, in the Appropriations Committee with the statement that while I was of the opinion that private financing would be available, if it were not at that time and if felt that we had a successful SST program on our hands—that is, a successful transport after the prototype testing—and it required some government guaranteed loans, then I would think that we would so recommend.

And how much would that cost? The minimum estimate is in the FAA feasibility report, which cited a financing requirement of $1.064 billion for Boeing's part of the operation. Mr. Beggs told the subcommittee $1 billion would be needed. Other witnesses thought $5 to $7 billion would be involved.

One airline executive said that if 500 planes need to be produced to break even on the project, then an estimated investment of $50 million in each plane would require $20 to $25 billion total financing by an industry that already has an 80 percent debt to total capital ratio. His summation of the prospects: "Impossible."

And let us remember recent history. After financing both development and production of the VC–10 and Super VC–10, Great Britain exported only seven of the airplanes—two to Ghana Airways and five to East Africa Airways. When you start bypassing the built-in incentives of the market economy, you have to expect trouble in getting into the market.

ENVIRONMENTAL COSTS

In addition to the economic costs, we must consider the substantial environmental costs of the SST program, which do not enter the economic calculations directly.

The noise produced by the SST on takeoff would add to the problems of the already beleaguered airport operators, and inflict major new annoyances and health hazards on families near airports.

Lawrence Moss, an engineer who spoke on behalf of the Sierra Club before the Appropriations Committee, said that at an airport having 100 SST takeoffs per day, the noise exposure index would exceed 30 as far as 9 miles away from the airport. More recently, Mr. Moss has published calculations and maps showing very large areas of New York, San Francisco, Los Angeles, Seattle, Boston, Honolulu, and Anchorage with noise exposure index above 30, as a consequence of the estimated number of SST operations from those cities. The Department of Transportation recommends that for noise exposure greater than 30, "new, single-dwelling construction should generally be avoided." Schools, hospitals, churches, theaters, and auditoriums are stated to be incompatible with this noise level.

These figures are independent of the "sideline noise" and "community noise" figures that have been in dispute. The President's Council on Environmental Quality also told the Subcommittee on Economy in Government that the noise problem was serious and had not yet been solved. DOT, to be sure, belatedly launched a study and appointed an advisory board on noise, but it is clearly far from overcoming the problem.

The sonic boom has not yet been adequately dealt with by the Department of Transportation. It has proposed a Federal aviation regulation to ban civil aircraft sonic booms, except for those necessary for aircraft development. But it has failed to respond to the Senate Appropriations Committee's year-old request for draft legislation to ban the sonic boom. This can only lend credence to fears that if the SST were to enter commercial service, the FAA would alter the regulation to permit overland supersonic flights.

Testimony by the Council on Environmental Quality raised the possibility of climatic change as a result of high-altitude exhaust emissions by a fleet of SST's. This possibility was later substantiated by a MIT study of critical invironmental problems. Recently, Myron Tribus, Assistant Secretary of Commerce and head of an advisory committee to the Office of Supersonic Transport Development, attempted to allay con-

cern about such an outcome. However, his statement failed to address the basic finding of the MIT group—that stratospheric smog, consisting of both gases and particles, would be created that would raise the stratosphere's temperature by 6 to 7 degrees. The MIT group, comprising some of our Nation's leading scientists in this field, did not know what the surface effect might be. Yet, the SST prototype program cannot and need not help us on this point, because scientists can test the atmospheric hypotheses using balloons, high-altitude U–2 aircraft and military supersonics. I think we should know the effects on the atmosphere before we commit ourselves further.

A further environmental problem concerns the excessive fuel consumption of the SST—according to one account, twice the fuel per passenger-mile of a 747. At a time when fuel is being depleted very rapidly, it would be ill advised to initiate a mode of transportation that will waste fuel at this rate.

STOP FUNDING THE SST

The environmental and economic implications of the SST program add up to one conclusion: It is time to stop Federal funding of the SST.

We have so many social and environmental programs that are underfunded that I do not think we can justify, to ourselves or to the American people, further expenditures on the SST program. At best, the SST will not produce the benefits claimed for it. At worst, it will require a commitment of $3 billion or $4 billion more in tax dollars needed elsewhere, and result in environmental degradation and the waste of natural resources. I strongly urge that the SST program be terminated.

Before closing, I should like to bring to the attention of my colleagues a thoughtful memorandum on the SST program prepared by James H. Douglas, who was Secretary of the Air Force and Deputy Secretary of Defense in the Eisenhower administration. In my view, Mr. Douglas' credentials for commenting on the SST are beyond serious question. I ask unanimous consent to have his memorandum printed in the RECORD; as well as an article written by Jack Mabley, entitled "O'Hare Should Ban the SST's" published in Chicago today, of October 21, 1970, be printed in the RECORD; that an article prepared by the coalition against the SST; an article prepared by the municipal finance study group, graduate school of public affairs of the State University of New York; an article from the New York Times of Sunday, May 31, 1970, entitled "SST: Arguments Louder Than Sonic Boom"; an article from the Wall Street Journal of Wednesday, September 9, 1970, written by Albert R. Karr, entitled, "For the SST, a Case of Oversell?"; an article from the Wall Street Journal of September 24, 1970, by Allen L. Otten, entitled "Peculiar Priorities"; an article published in the New York Times of Sunday, November 8, 1970, entitled, "Concorde: Some Call It 'Truly Rapacious' "; an article from the Daily News of September 25, 1970, written by Milt Freudenheim, entitled, "$2 Million a Week—Supersonic Concorde Plane Deep In Red"; an article from the Chicago Sun-Times, of Sunday, September 27, 1970, written by William Hines, entitled, "European SST's Troubles May Bear on U.S. Version"; and an editorial from the Chicago Today, of September 10, 1970, entitled, 'Hard Sell on the SST" be printed in the RECORD.

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

FUNDING THE SUPERSONIC TRANSPORT PROTOTYPES

(By James H. Douglas)

Congress is presently faced with the Administration's recommendation to appropriate $290 million to continue the SST program, including the construction of two supersonic transport prototypes by Boeing.

Today one reads in the press and hears on television that we must go ahead with building the Boeing SST prototypes as:

1. Not to do so will result in our losing preeminence in building advanced aircraft;

2. Not to do so will result in the airlines of the world buying the British-French Concorde or the Russian airplane which is similar to the Concorde; and

3. Not to do so will result in loss of our export market in air transport aircraft and a serious adverse effect on our balance of payments.

It seems to be assumed that if we are willing to spend the money a satisfactory supersonic transport will be built, and that if we do not push ahead with Boeing the airlines of the world will be flying the Concorde. The natural enthusiasm of air frame and engine contractors and subcontractors, associations of commerce, and many members of Congress for a program bound up with national prestige seems to obscure several basic considerations:

1. It is generally agreed that the sonic boom of supersonic transports now planned or being flown will require a prohibition against their flying across the continental United States or other inhabited areas at supersonic speeds.

2. The Concorde and the Russian SST require the use of after-burner for takeoff, and this raises the noise level on takeoff far above anything tolerated at present and well above an acceptable level. It seems probable that FAA and airport authorities may not permit these aircraft to use our airports unless their noise problem is solved, and solution of this problem is not just around the corner.

3. The international and domestic airlines are staggering under the burden of acquiring and operating a new generation of immense jet aircraft. The economic problems of this task should preclude any early production of an American SST for the limited use that is presently foreseen for such an aircraft. Industry needs and economics, and not Government promotion, should determine when to undertake construction of SST prototypes.

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O'HARE SHOULD BAN THE SST's

Those shaded areas on the map are called bang zones. They represent areas of Illinois which would be whacked by sonic booms if the supersonic transport plane flies normal passenger traffic over the United States.

Each bang zone is some 50 miles wide. A typical person living in a bang zone would be boomed 20 times a day and 10 times at night.

The impact of the booms would be double that of booms inflicted on Chicago and Oklahoma City in tests in the last six years. The Oklahoma tests resulted in 4,700 claims for damage and payment of $123,061 in damage to homes and buildings. [They don't pay for damage to nerves.]

Chicago doesn't do too badly on this map, but what it doesn't show is the noise of SST's landing or taking off. The takeoff noise is said to equal that of about 10 of today's jets, all roaring at once.

Both Los Angeles and New York are saying they won't even let the SSTs land at their airports. Chicago should do the same about O'Hare. SST traffic in and out of O'Hare would make the present jet traffic sound like mosquitoes buzzing.

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THE SST: UNNEEDED, UNWANTED AIRPLANE

The Department of Transportation, in a paper entitled "Need for the U.S. Supersonic Transport," attempts to argue that the SST would have no environmental impact, and that the national interest requires the project. The DOT paper is notably lacking supportive data or citations of expert testimony from scientists, economists and other independent observers. By contrast, the case for stopping the SST subsidy has been amply supported by specialists in the relevant disciplines, as will be shown below.

*Leadership.*—DOT claims that the SST is needed because if we don't build it, the French, British and Russians will take over the airplane market with their own SSTs. This argument assumes that the U.S. Government is powerless to influence the overall use of SSTs in world aviation. Quite the opposite is true. The Panel on Balance of Payments and International Relations (part of the President's SST review committee in 1969) said: "U.S. noise standards could conceivably bar the Concorde [the British-French SST] from access to the principal U.S. airports, which would undoubtedly doom the Concorde project." Furthermore, the Concorde shows signs of being economically inviable regardless of U.S. noise standards, according to Mary Goldring, aviation writer of The Economist. This was also the observation of members of the Presidents' review committee.

*Balance of payments.*—The SST is expected to hurt our balance of payments, not help it, according to members of the President's SST review committee. On the basis of the most realistic assumptions, the committee's Balance of Payments panel predicted "an adverse impact of speed-induced travel on the U.S. travel account considerably greater than the estimated beneficial impact of supersonic aircraft sales on the U.S. aircraft account."

*Jobs.*—The notion that the SST is significant in providing jobs has been dismissed by the Department of Labor. Assistant Secretary Arnold R. Weber said last year: "the net employment increase from SST production would likely be negligible and would occur in the professional and technical categories where shortages already exist. The project would have practically no employment benefits for the disadvantaged hard-core unemployed with low skill levels."

*Competition.*—The "race" with the Concorde and TU–144 is illusory. No orders have yet been placed for the Concorde. (Some airlines have made deposits to reserve "delivery positions," but the money is refundable.) As for DOT's notion of Russian competition: it is hardly plausible that any free-world country would depend on the Soviet Union for its passenger planes.

*Cost.*—The cost data illustrate the spending problems the SST project is getting us into. A year ago DOT claimed the prototype program would cost $1.3 billion; now it's $1.4 billion. And there is already a $76 million overrun, even before entering the more costly prototype phase.

*Royalties.*—The government is unlikely to get its money back, let alone make a profit. In reassuring us that the government share would be repaid when 300 SSTs are sold, DOT fails to mention that a study by the Institute for Defense Analyses predicted sales

of as few as 279 planes; economist John Walgreen, who assisted Defense Secretary McNamara in a review of the SST in the Johnson administration, made even less optimistic predictions. Another danger signal is that DOT's optimistic market figures keep declining—DOT's own Office of Economics and Systems Analysis predicted sales not of 500, but of only 420. Moreover, all these figures assume that private capital would be available for production of the planes, an assumption that even Boeing Co. executives have begun to question. Even if there were a billion-dollar profit, which DOT hopes will accrue by 1992, it would be wiped out by inflation at the current rate.

*Noise.*—DOT virtually admits that sideline noise is a major problem of the SST, but seems unwilling to deal realistically with the consequences. The federal government's top environmental authority, the Council on Environmental Quality, confirmed this in more outspoken terms. Chairman Russell E. Train said: "the SST would be three to four times louder than current FAA sideline noise standards and four to five times louder than the 747." DOT's notion of confining the SST to runways not adjacent to populated areas would eliminate use of most existing airports. The result could only be more airport construction, farther out, hence adding to the ground travel time of passengers, which would wipe out the slim time advantage of flying on an SST. DOT has never solved the noise problem; a careful reading of DOT's comments confirms this.

*Climate.*—The "alarmist allegations" DOT refers to are the comments of the White House Council on Environmental Quality. Chairman Russell E. Train and member Gordon J. F. MacDonald testified in detail on the possible consequences of high-altitude pollution caused by the SST. They appeared before the Joint Economic Committee on May 12, 1970, citing unpredictable changes in climate and in ultraviolet radiation as results of a fleet of SSTs. DOT's attempt to refute this consists of citing a National Research Council study done five years ago. Every meteorologist who has examined the question since then has concluded that this is a serious problem. The U.S. can avoid the problem by stopping its SST program and by using national influence to prevent other nations from flying SSTs.

*Sonic boom.*—DOT's claim that the SST's sonic booms would be "greatly reduced below the sonic booms with which the public is familiar" is simply untrue. The sonic boom of an SST would have an overpressure of 2.1 to 3.5 pounds per square foot (psf). In 1964 extended boom tests in Oklahoma City, with overpressures averaging only 1.3 psf drew a strong reaction from residents there; 27 percent of those polled said they could never learn to live with the boom.

*Environment.*—The environmental problems of the SST which DOT so handily dismisses have become a national concern. Some of the national organizations which have taken a stand against the SST for environmental reason are:

Citizens Committee on Natural Resources
Consumer Federation of America
Environmental Action
Friends of the Earth
International Longshoremen's & Warehousemen's Union
Izaak Walton League of America
National Audubon Society
National Parks Association
National Wildlife Federation
Sierra Club
The Wilderness Society
United Auto Workers

*Progress.*—The "products of the progress of mankind" are a mixed bag. Pollution is one; knowing we need not live with pollution is another. Concerning the SST, progress may consist of recognizing a bad bargain, and making a decision against it.

THE FINANCE AND ENVIRONMENTAL EFFECTS OF THE SST

(A Proposal Prepared by the Municipal Finance Study Group Graduate School of Public Affairs, State University of New York at Albany*)

Developments in recent months have suggested that the move to rapidly develop a domestic version of the supersonic transport (SST) may have less urgency at present, and the time may be propitious to re-evaluate the implications of the SST in a broader perspective.

After reaching a peak in 1967, domestic airline profits fell 48.3% in 1968, another 23.3% in 1969, and were negative in the first half of 1970. The decline in earnings reflects a large increase in capacity, without commensurate gains in traffic, and has been accelerated by inflationary cost pressures, labor difficulties, greater competition, and air congestion.

The financial plight of international airlines is even more severe. The net earnings of Pan American Airlines peaked out in 1966 and have been negative since 1968. Trans World Airlines has recently announced that it will have "no available income" to make any interest payment next year on its 6½% subordinated income debentures due June 1, 1978. In light of recent cost estimates for supersonic transports,[1] and given the high cost of insurance on new air transports,[2] the international airlines may not be strong enough financially to risk [3] procuring the 300 or so Concordes that will be necessary to make the British-French SST economically viable. Scrubbing of the British-French SST for either technical or financial reasons would undermine the argument that the U.S. must proceed with its own SST to protect our balance of payments—an argument that has already been rejected by 16 prominent economists, including such notables as Paul Samuelson, Milton Friedman, James Tobin, Walter Heller and Kenneth Galbraith.

Hendrick Houthakker of the President's Council of Economic Advisers has suggested that our own SST could become a "dead duck" if the protectionist trade bill which is now before Congress is passed in anything like its present form.[4]

In addition to the financial requirements of the SST for both producers and airlines, there remain several important environmental issues that need further study. On the one hand, the problem of the sonic boom has not been fully met, and if current solutions prevail, the restriction of SST flights to international over-water flights will further restrict the market for these aircraft.

It is sometimes assumed that an SST will save travel time. This may be true from airport, but it is not clear that existing facilities will be adequate to service the SST, and as many travelers will testify, airport to destination is often as time consuming as actual flight time. Since supersonic aircraft are expected to consume more fuel per passenger than comparable subsonic jets, there arises a question as to the adequacy of existing reserves of fossil fuel. Each person who flies from New York to Europe in a supersonic jet in this century may in effect be forcing someone else—perhaps his grandchild— to travel by boat. His savings will amount to two or three hours. The grandchild who goes by water will loose the better part of a week in extra travel time.

The inefficient use of fossil fuels at very high altitudes is of particular concern to atmospheric scientists since a build up of carbon dioxide, water vapor, ice crystals, and particles in the upper atmosphere might have large and unpredictable effects upon the weather. Since a better understanding of these effects and the financial and natural resource impact of the SST is essential for proper decision making it would seem highly desirable to study this innovation from an interdisciplinary point of view.

This University, with its international reputation in cloud physics, its several new and innovative programs in public and private finance, and its broad concern for natural resources and environmental problems would seem unusually well suited to undertake such a study. We propose that representatives of the School of Business Administration, the Department of Economics, the Graduate School of Public Affairs, and the Atmospheric Science Research Center meet soon to inventory available resources and draft a research proposal.

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[From the New York Times, May 31, 1970]

SST: ARGUMENTS LOUDER THAN SONIC BOOM

WASHINGTON.—For the first time in the long history of the Government's supersonic transport project, taxpayers' hostility, scientists' anxiety and industry's skepticism about the airliner combined last week to make continuation of the program a close political question in the House.

The 176–163 vote to raise another $290 million for test-model development was a dramatic shift from the automatic appropriations of past years. For the moment at least, the SST survives as a prime symbol of technology's momentum, and of Congress' reluctance to abandon a once-hopeful investment. Yet the narrowness of the vote was also a signal that the SST could be stopped altogether in the Senate this summer.

In deference to the environmental worries that have always provided the most convenient weapons against the plane, the Federal Aviation Administration formulated a rule earlier this year barring supersonic flight and its thunderous boom over populated land.

The F.A.A. balks at the pressure to enact such a restriction as law, and many persons wonder whether the agency will hold the line if the rich transcontinental routes prove vital to the SST market. "Someday they will tell us," Representative Sidney R. Yates, a Chicago Democrat, predicted last week, "that 'the sonic boom is the sound of progress.' "

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* The Municipal Finance Study Group is supported from grants and other contributions received from the Ford Foundation and the State University of New York. This proposal was prepared by the senior members of the study group and is not the responsibility of the sponsoring institutions.

[1] One current estimate suggests that each Concorde will cost $32 million, or more than 3 times the cost of the Boeing 707, and 50% more than the cost of the Boeing 747. In addition, the capacity of the SST (128 passengers) relative to the much greater capacity of the 747 (over 300 passengers) raises additional issues on the price structure needed to make the SST economically viable to the airlines. See: *Wall Street Journal*, Nov. 9, 1970, p. 1. See also, "The SST: Sitting Duck for Budget Cutters," *Business Week*, June 6, 1970, pp. 58–59.

[2] Currently, insurance premiums on the Boeing 747 are running about 250% greater than premiums on conventional jets. Additionally the required coverage is much greater due to the added costs of the aircraft and the added capacity. This has raised questions as to the adequacy of the existing framework for insuring these risks as noted in "Jumbo Insurance for the Jumbo Jets," *Business Week*, January 17, 1970, pp. 36–37.

[3] Nejeeb Halaby, President of Pan American World Airways has told the *Financial Times* that a small group of airlines should be allowed to fly the Concorde in passenger service before it goes into quantity production. He said the airline industry has to be careful about so complex and expensive a plane. See the *New York Times*, November 5, 1970, p. 86.

[4] *Ibid.*

OTHER PROBLEMS

In the new SST debate, however, the sonic boom is the least of the environmental issues.

Noise is still a problem, particularly the irreducible "sideline" noise of the SST on the takeoff runway—the equivalent, according to one White House scientist, of 50 jumbo jets taking off together, though the F.A.A. says it will be only *four* times as annoying as the sound of subsonic takeoffs.

F.A.A. Administrator John H. Shaffer, ever ready with the slogans of aerospace salesmanship, says that the SST's steep, fast takeoff—"like a homesick angel"—will reduce over-all community noise. Mr. Yates responds angrily that the airliner's "infernal racket" will make it practically unusable.

The greater environmental peril is a new form of atmosphere pollution. SST's, flying up to 70,000 feet above sea-level, will deposit large quantities of water vapor and waste gases into the nearly windless upper air, which cannot purge itself of pollutants. This warning comes from Russell E. Train, chairman of the White House Council on Environmental Quality.

A fleet of 500 SST's, Mr. Train told the Senate two weeks ago, would soon increase the upper air's water content by 50 to 100 per cent, and "could lead in a few years to a sun-shielding cloud cover with serious consequences on climate."

The Department of Transportation scorns Mr. Train's suspicions and his appeal for radical expansion of research on the point.

Even in this "year of the environment" the more effective arguments against the SST may be based in economics.

When President Kennedy initiated the SST development program in 1963, he pledged that the Government's investment would "in no event" be allowed to exceed $750 million. The new House appropriation, however, puts the Government commitment to date over $1 billion, and it will take at least $300 million in additional public funds to complete two SST prototypes by 1973.

The SST sprouted its first cost "overrun" this year, a "trifling" $76 million. More worrisome is the evidence that even after the prototypes are built and tested, the SST may still be too risky a venture to raise the $2 billion to start production from private investors.

The Boeing Company's vice president in charge of the SST program commented recently that "under the current situation it's hard to see how we can get that kind of money up."

Until the SST, the Government had never helped finance any commercial plane. President Kennedy promised that SST funding would end with the development phase. But the Transportation Department is now recommending Government-guaranteed loans for SST production if private capital is not forthcoming.

The central question in the Senate debate will be: who really wants an SST? For all the abuse that SST critics heap on the jet set, there has been no audible clamor from either playboys or businessmen for a * * *.

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[From the Wall Street Journal, Sept. 9, 1970]

FOR THE SST, A CASE OF OVERSELL?

(By Albert R. Karr)

WASHINGTON.—The SST is coming in on a wing, a prayer and one huge burst of hot air.

At least that's how it looks to critics of the giant supersonic transport. For years, they have contended—unsuccessfully—that the Government is overselling the giant aircraft. But they hadn't seen anything until this year.

Now, as the crucial Senate vote nears on the Nixon Administration's $290 million proposal to continue SST prototype development, SST critics are being countered with a blizzard of arguments. Spearheaded by William Magruder, a former test pilot and Lockheed executive, the Administration's SST sales team is coming up with responses to growing criticism of the plane from scientists, economists, members of Congress and others.

For example:

—How about reports that airlines aren't eager to buy the SST, assuming it does reach the market stage? Not true, says Mr. Magruder, producing a bundle of letters from airline chiefs, all urging Congress to push on with the program.

—What about that testimony last year and again last spring from the Treasury and Labor Departments, among other agencies within the Government, that the SST would hurt the U.S. balance of payments while easing U.S. unemployment very little? After some five months of missionary work by Mr. Magruder, the same agencies now have little bad to say. Critical reports within the Government are kept quiet if possible, ridiculed if not.

—And what about the widespread concern that the SST poses a potential environmental hazard? Critics have no cause for worry, Mr. Magruder replies; in fact, this aircraft will spur so much environmental research that, on balance, it will protect the environment. But in case critics remain worried, let's study their worries—while getting on with those two prototypes, fast. And if the prototypes develop some serious flaw (environmental or otherwise), then no commercial planes will be built.

Furthermore, Mr. Magruder and other SST backers say, the SST will "bring the world closer together," promoting international understanding, and boost the U.S. economy, generating tax dollars to combat this country's social problems. "If we default on the SST, then the (social) problems of the 1980s" will be even worse, Mr. Magruder has warned.

Mr. Magruder, in short, is using a very hard sell. This is understandable, because the SST has become one of the most prominent targets in the debate on national priorities. So far the SST has survived its challenges; it's the alternate uses for Federal money that have suffered.

Government financing of the SST (if the Nixon proposal passes, it will mark another step toward an eventual total of $1.3 billion; critics contend it will rise even higher) is advocated in the name of technology, while medical and other scientific research is crimped in the name of economy. In the Transportation Department itself, the SST goes full speed ahead, while auto safety work remains underfunded. And the rise in mass transit spending under the Administration's new transit-aid program is kept painfully slow, on inflation-fighting grounds.

EXAMINING THE ARGUMENTS

Mr. Magruder's performance is disarming, and has left even some SST foes impressed if unconvinced. But these arguments, impressive in the aggregate, are much less impressive when examined individually.

Take, for example, the question of whether the airlines really want the SST. Despite Mr. Magruder's bundle of letters, there has been considerable evidence for some time that the airlines wouldn't be all that eager to buy production models—though they don't object to the Government's paying out more for development. Airline officials express doubts privately, some industry sources report, and in talks with Federal officials the airline men are said to have implied as much.

In past years, responding to pleas from the Federal Aviation Administration that they show Congress that the SST would sell, the airlines took $22 million in options on the plane and paid $59 million for development—so-called "earnest money." Sen. Clifford P. Case, the New Jersey Republican, likens this process to a man's being asked repeatedly to assure his wife that he loves her. In recent Senate subcommittee hearings, Sen. Case questioned Stuart G. Tipton, president of the Air Transport Association, the airline trade group, on whether the carriers would like to be asked again, "if you love her"—that is, to put up more cash.

Mr. Tipton replied, "The answer has to be different"; putting up more "earnest money" would be a financial hardship. "I would hope the Government wouldn't do that (ask for more)," he said.

Mr. Magruder's persuasiveness within the Administration has been equally impressive. Earlier, several agencies were largely negative about the aircraft. Now, says Mr. Magruder, "None of these people are in disagreement with my position on the program." In fact, he was able to deliver a bundle of pro-SST documents from 15 departments and other agencies to the Senate subcommittee.

The Treasury Department, for example, reversed its earlier position that the SST would hurt the U.S. balance-of-payments position by inducing more people to travel and spend dollars abroad. With a viable British-French supersonic Concorde coming into being, the Treasury now argues, the key question becomes competition in selling SST aircraft in the world market. (Mr. Magruder himself argues that the SST would *add* more than $50 billion to U.S. payments income in the 1978–1990 period, a big increase over a recent Transportation Department estimate of a $10 billion plus.)

The Labor Department, which had been saying that the SST offered little hope of important job benefits, now says there will be a lot of job pluses. The Council on Environmental Quality, whose members had warned of possible dire SST danger, now dwell more on the fact that the two prototypes won't do any harm.

A high Cabinet official suggests, however, that the real reason for the dramatic turnarounds in agency opinion intra-Administration pressure. "The Administration favors the SST," he says, "therefore, all parts of the Administration favor the SST." The official isn't impressed by estimates from Mr. Magruder and others of the SST's potential economic benefit to the U.S. "None of those studies are any damn good," he says flatly.

Meanwhile, the Administration's treatment of reports unfavorable to the SST is illustrative. One such report came from an interdepartmental team that surveyed the program at President Nixon's request early last year. Their unfavorable report stayed secret—until it was unearthed by Rep. Henry Reuss, a Wisconsin Democrat and SST foe. Only then did SST backers begin talking about the report—roundly criticizing it and the officials who wrote it.

Another report understood to be critical, drawn up by a group of scientific consultants to the White House, has never seen the light of day. The Administration refuses to make it public. However, the group's chairman, Richard L. Garwin, an IBM physicist, who has worked on a number of Government aircraft and defense projects, has openly attacked the SST as too noisy and econmically wasteful.

THE ENVIRONMENTAL ISSUE

Despite strong Administration attempts to play down the issue, the question of the SST's impact on the environment has become perhaps the strongest argument of SST opponents.

Among the possible dangers, opponents say, is a substantial increase in the water vapor content of the stratosphere. This, in turn, could lead to climatic changes and higher ground temperatures. Another environmental side effect could be a sharp rise in hydrocarbons and other pollutants in the stratosphere. Still another danger, a reduction of ozone there, could have either of two effects: A dangerous increase in ultraviolet radiation to the earth, or temperature reductions on the earth's surface.

SST supporters have conflicting responses to these objections. They contend that studies have already answered the environmental questions, in favor of the SST. But at other times, supporters agree more research is necessary, which they say is another good reason to build those prototypes. They'll help provide some answers.

Critics doubt seriously that the prototypes will do much to answer the environmental questions. They also wonder if those answers will come before the nation commits itself to commercial production. Supporters aren't terribly encouraging in this regard. The answers, says Sen. Warren Magnuson, the Washington Democrat who is one of the SST's most fervent backers, will take a "long, long time."

Supporters are similarly unreassuring about another argument of SST opponents—that the plane will generate ear-shattering noise. Richard L. Garwin, an IBM physicist, says that when the big plane takes off, it will sound like 50 existing jets. Promoters say this is technically true in terms of raw decibel measurement, but because of the way the human ear actually perceives noise, the sound will be "only" as bad as three or four jets. Anyway, proponents say, by 1978 (when commercial planes conceivably could be flying) new airports will have been built out in the country—away from population centers. A good example of this, says Mr. Magruder, is the projected new airport at Palmdale, Calif., which is to begin serving the Los Angeles area in 1977.

This argument, however, contradicts another argument of the supporters: That the SST won't require expensive modification of existing airport systems. And even if the nation did decide to build new airports out in the country, many doubt it could be done.

A spokesman for the Airport Operators Council International, Inc., an association of airport managers, cites growing public resistance to airport noise and pollution. The SST will require a "phenomenal amount of land," he says, land that is almost impossible to come by. Declares J. Donald Reilly, executive vice president of the council, if new airports are the answer "the SST project might just as well be stopped." And unlike Mr. Magruder, Mr. Reilly doesn't see the Palmdale, Calif., airport as an answer to the SST problem—in fact, he names it as one place where the SST probably will be banned as too noisy.

THE NOISE PROBLEM

SST proponents also say they hope to drastically reduce the noise caused by the SST, by 1978, to which opponents reply that this will be technically almost impossible. They note that in the past, when commercial planes couldn't achieve noise-reduction targets, they were allowed exemptions from noise rules.

Meanwhile, although the Government has promised to ban SST flights over land because of the sonic boom the flights will produce, SST promoters occasionally indicate they don't regard the ban as permanent. Mr. Magruder, for example, says confining flights to over water merely represents thinking "for the moment."

Anyway, supporters say, when people think of sonic booms they unfortunately tend to think of the kind caused by military planes stunt flying at 500 feet. The SST would cruise at 65,000 feet. But critics note that in 1964 the FAA performed extensive tests on public reaction to sonic booms. The agency repeatedly sent military jets over Oklahoma City at levels ranging from 21,000 to 50,000 feet. The flights caused a torrent of public complaints and a number of law suits and produced an average "overpressure" at ground level of about 1.3 pounds per square foot. According to Boeing Co., prime contractor for the SST, the SST's overpressure would be 2.3 pounds per square foot.

So go the various arguments for the fastest commercial aircraft this country has yet contemplated. Considering them, one cannot help wondering: If it's necessary to push the arguments for building the plane this hard, isn't something the matter with the whole idea?

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PECULIAR PRIORITIES

WASHINGTON.—Sometimes it's a little hard to understand the thinking of the Nixon Administration.

It wants desperately to hold down Government spending and, in traditional Republican fashion, to minimize Government involvement in private industry. It constantly proclaims its commitment to rearranging national priorities, to cutting back military and similar "wasteful" spending and to putting more Federal funds into domestic social programs. It insists it wants to establish better rapport with the thoughtful students and professors and other social issue activists.

Yet it continues to push—to push ever more strongly, in fact—Government-subsidized development of the supersonic transport plane. This commits mammoth outlays of taxpayer dollars, pushes Uncle Sam deeply into private business, devotes to the benefit of a rather small group money urgently needed for broader social programs or to reduce the Federal deficit, and horribly frustrates the students and other environmentalists.

It's probably too late to dissuade the Administration, but a new impressive batch of anti-SST testimonials is at hand, this time from 16 leading economists, ranging from the conservative Milton Friedman to the very liberal John Kenneth Galbraith. They aren't yakking, either, about sonic boom and noise levels and air pollution; instead, as they were asked to do by Sen. Fulbright (D., Ark.), who solicited their views, they are zeroing in on the economics of the project.

They are saying, and in no uncertain terms, that the Administration's favorite arguments for the SST—the need to help industry undertake a technological task too big for private financing, and the risk of substantial unemployment and damage to the U.S. balance-of-payments position if the SST is junked—are pure hogwash.

Of the 16 economists, only Yale Professor Henry Wallich comes down for the SST. The French supersonic Concorde is going to be built anyhow, he argues, and so the U.S. must hang in there for competitive reasons. Even he concedes, however, that the actual construction should be delayed until the industry knows more about the technology, and that only development work should go forward now.

One after another, though, the other 15 economists argue that if the SST is such a great idea, the aerospace industry can do the job with private financing—and that the very need for Government funds underlines the riskiness of the venture. "If the SST is worth building, the market will make it in Boeing's interest to build without a subsidy," Professor Friedman asserts. "If a subsidy is needed, the SST should not be built."

"The logic of the free enterprise system," says Princeton Professor W. J. Baumol, "is that a new product is worth producing if its potential demand is sufficient to cover its costs and provide an attractive return to the capital invested in it. When private investors are convinced that there will be sufficient demand for the item, capital will pour in to take advantage of the profit opportunities and Government funding then is simply unnecessary. The SST has clearly failed this market test."

Declares Harvard transportation expert Merton J. Peck: "The SST advocates have chosen the wrong forum; they should be pressing their case with investors rather than with Congressmen." Boeing keeps promising ultimate high returns on the Government's investment, he notes, but "the high returns are subject to very high risk—so much so that the investment community is not interested. We ought to insist that Congressmen be just as tough-minded with our tax dollars as investors are with their own."

The economists concede there are numerous exceptions to this market test doctrine, with Federal dollars going into uneconomical projects, but say these usually are to fill broad social needs—housing or food for the poor, health service for rural areas, low-cost loans for students. In contrast, they argue, the SST would primarily benefit businessmen, tourists and other trans-oceanic travelers well able to pay their own way.

Abandoning the SST now would lead to heavy unemployment, Administration men contend. Replies Harvard Professor Kenneth Arrow, an expert on technology: "It seems to be assumed that if the SST program is dropped, nothing else will happen. But surely the productive and inventive skills to be invested in the SST program are available for other purposes, and wherever they are used they will help to create jobs." Without going outside the aerospace field, he suggests, development of cheaper, easily maintained transport planes and vertical take-off and landing planes would be a move useful outlet for research and development.

"Any way that the U.S. Government or anyone else spends a billion dollars on goods will make a billion dollars worth of jobs," states MIT Professor Paul Samuelson.

The balance-of-payments argument, asserts Professor Friedman, "is a complete red herring, as is obvious if you reverse the question and ask whether, if somehow our balance of payments were to move toward a large surplus, Boeing would then urge that the SST project be dropped." Asserts Princeton's Professor Baumol: "Actually, the SST is not apt to make much difference to our balance of payments one way or another. However, if it does have any effect, it is likely to aggravate the problem marginally. By adding to the Federal budget, it will make for higher prices in the United States and so will make it harder to sell our products abroad."

MIT Professor C. P. Kindleberger, one of the nation's top foreign-exchange experts, sums up: "I do not know what the effect of the SST would be on the balance of payments, and I do not care. There will doubtless be positive effects in expanding airplane sales, and negative effects in encouraging tourist expenditures abroad by Americans, but the SST . . . is either a good thing or a bad thing in itself, and the balance of payments should adjust to a decision made on these grounds, not the other way around. Let me suggest the analogy of Prohibition or Repeal. These actions had balance-of-payments impacts, but to cite them for or against Prohibition or Repeal is a meretricious debater's device of appealing to unknown fears or worries."

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[From the New York Times, Nov. 8, 1970]

CONCORDE: SOME CALL IT "TRULY RAPACIOUS"

LONDON.—Concorde, the Anglo-French entry in the supersonic airliner stakes, passed a technical milestone last week. Model 001, the French-assembled prototype, reached a speed of mach 2, twice the speed of sound. At a height of 52,000 feet it flew at 1,300 miles an hour, its intended design speed. At that speed it could fly from London to New York in about 3 hours.

For all those committed to the Concorde project—engineers, aircraft executives, officials, air buffs—it was great news. Sir George Edwards, managing director of the British Aircraft Corporation, said happily:

"We have now demonstrated that the aircraft can fly at its cruising speed, and it strengthens the confidence which we have in the airplane's ability to carry out the tasks it was designed to do."

ECONOMIC GLOOM

But against Concorde's technical achievement must be balanced growing economic gloom about the project. A series of hard-headed appraisals from within the airline industry over the last few weeks must make anyone doubt whether the plane will ever operate commercially.

The president of Trans World Airlines, F. C. Wiser, said last weekend that capital and operating costs of Concorde would be "too high" for profitable operation. With its small capacity of 120 passengers, he said, the plane would have to carry a fare 30 or 40 per cent above present first-class trans-Atlantic levels to pay the airlines.

Ross Stainton, deputy managing director of the British Overseas Airways Corporation, warned that Concorde would put "a heavy demand on limited investment funds" of the airlines, "with as yet no certainty of increased return."

Then last week, Najeeb Halaby, president of Pan American World Airways, suggested a trial period for Concorde. His idea was that several airlines try carrying passengers in six production-model Concordes that are already on the way. They will follow the two prototypes now flying and two more pre-production models. Mr. Halaby said the British and French Governments "should not commit themselves to build any more until the Governments and the airlines have enough confidence that Concorde is right."

PROSPECTIVE BUYERS

T.W.A., B.O.A.C. and Pan Am are the major prospective customers for Concorde, having placed options of eight each on the first 24 production models. But those are only options. No airline has yet placed a firm order.

The financial concern of the airlines is no surprise. One Concorde is scheduled to sell for about $25-million, and that includes little of the vast development cost. Development of the plane alone, without any commercial production, is now estimated at $2-billion. And that estimate has seemed to rise by hundreds of millions every year or two.

The development money comes from the two Governments, meaning the public. Even Concorde boosters concede that there is no chance of recouping more than about a third of this cost, even if the plane is a commercial success. Not surprisingly, public doubts about the project are mounting.

The cost to the British taxpayer is now running at $158-million a year. By a nice irony, that happens to be the exact amount that the new Conservative Government says it will save by the much-advertised cuts and charges it has just decided to impose on health and welfare services.

At that cost, the Guardian said in a recent editorial, "Concorde is the truly rapacious pensioner. It ought to be stopped before its rapacity gets even worse."

But as in all such great enterprises, there is a momentum difficult to halt by mere financial argument. That indefinable, national "prestige," is all wrapped up in Concorde.

The hope advanced by the builders and official backers of the plane is that, after all the development costs are swallowed, as many as 200 Concordes can be built and sold at a fat profit—and gain for the balance of payments—over actual production costs. That will naturally depend again on the cost analysis made by the airlines, who have stockholders and cannot be so profligate as governments.

Then there is the hope that, whatever the pocketbook pain of Concorde to the two Governments, Britain and France will benefit from technological "spin-off." Britain's new minister of trade and industry, John Davies, has virtually written off in public the possibility of any measurable economic benefit, saying that justification for going on must lie with the chance of spin-off benefits in new techniques and materials and processes for industry. That notion is necessarily a somewhat intangible one.

The promoters say it must be built to show that Europeans can for once beat American technology. At the same time, the industrial and political backers of an American supersonic transport say their SST must be built to compete with Concorde.

The Russians are developing their own SST, so close to the British-French design in appearance that it is known here as the Konkorki. The boosters of Concorde and the American SST like to argue that the Soviet plane will have a competitive edge unless we build ours, but there does not seem to be much to that view: No major Western airline has ever used Russian planes, and the chance of that happening is close to zero.

Another difficulty about cancellation of Concorde is that a contract commits Britain and France to the project. Britain, in fact, would have dropped out in 1964 if the Labor Government had not been warned that France might collect damages in an international lawsuit.

Doubts have more recently been raised about the supposed legal obligation, but there is still the question of good relations. Some British officials fear that cancellation of Concorde might put a blight on Britain's chances of entry into the Common Market.

But budgetary pressure may outweigh the other factors in the end. And in Britain, at least, there are many scientists and others concerned about the environmental risks of supersonic commercial aircraft—appalling noise, possible damage to the earth's cloud cover.

No wise man would put much down on the proposition that the Concorde will ever fly the Atlantic in regular service.

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SUPERSONIC CONCORDE PLANE DEEP IN RED

(By Milt Freudenheim)

PARIS.—The $2.5 billion supersonic Concorde airliner has turned out to be a money trap with no escape chute for Britain and France.

Suggestions that one or both countries might scuttle the program, which costs over $2 million a week and employs 50,000 people, are getting a lot of play these days in Paris and London.

But nobody in either government has the nerve to admit that the $1.8 billion spent to date was probably a waste of the taxpayers' francs and shillings, an official close to the project said privately.

Both French and British versions of the Concorde are flying this month in preparations for crucial tests on sustaining speeds twice the speed of sound for long periods.

French engineers report the Concorde is eating about 3 per cent more fuel than expected, a vital statistic that could reduce the passenger payload and drive away airline customers.

Seven U.S. airlines have taken more than half the 74 options to buy Concordes. But the makers admit they must sell 250 planes to break even.

With a probable passenger capacity of fewer than 115—the builders say 128—a Concorde ticket may cost triple the price of an economy seat on its chief rival, the Boeing 747 jumbo jets.

For the extra money, Concorde passengers will cross the Atlantic between Paris and New York in 2½ hours instead of 6 hours on the jumbos.

Airlines fear that they will have to give up first-class passengers on the 747s to find customers for the Concordes. The jumbos, many of which belong to banks and are leased to airlines, are years away from being paid for.

British Prime Minister Edward Heath would like to cancel the Concorde as an economy measure, according to some London reports. His predecessor, Harold Wilson, wanted to cancel in 1964, but couldn't because of legal commitments to the French. The commitments have expired.

But British cancellation is hardly possible unless the French agree, and high government sources in Paris say France intends to build the Concorde.

This is substantiated by recent visitors to Toulouse, where France has work in progress on no fewer than six Concordes.

An independent British decision to ditch the Concorde undoubtedly would kill off Britain's chances of getting into the European Common Market. In revenge France could sabotage British entry for the third time.

Lacking the economy and roomy comfort of slower jets, the Concorde's one asset is speed. The noise of sonic booms may restrict its usefulness over land. Beyond that it is a symbol of Europe's rivalry with the United States and Soviet Union for scientific prestige.

The Russians were the first to have a supersonic transport in the air, but so far no non-Communist country has bid to buy the Tupolev 144. American plans to build an SST faster and bigger than the Concorde are embroiled in congressional controversy, although 122 have been optioned.

How Britain and France will win prestige by flying a plane that runs on red ink is unanswered. With money tight, the airlines may decide to cut back their options and buy only one or two Concordes each, except for the French and British national airlines, which have options on eight apiece.

Another way out for Paris and London would be to slow down the development timetable, hoping to produce a more economical plane. But development delays already have doubled the costs.

The two countries plan to spend another $780 million on the Concorde, in addition to the $1.8 billion already spent.

As one official in Paris admitted, "That's pretty expensive prestige."

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[From the Chicago Sun-Times, Sept. 27, 1970]

EUROPEAN SST'S TROUBLES MAY BEAR ON U.S. VERSION

(By William Hines)

WASHINGTON.—While proponents of the supersonic transport program have been emphasizing the factor of foreign competition to justify going ahead with the SST, the free world's only other superfast airplane has been running into serious trouble at home.

The result may be that the Anglo-French Concorde superjet will never reach the production stage. If this happens, the United States may find its headlong dash into the supersonic age to be a race with only one entry.

This would not necessarily guarantee success for the multibillion-dollar venture undertaken by Boeing Co. and General Electric Co. with backing from the U.S. Treasury. Indeed, it might guarantee the project's failure.

If the European SST is washed out partly because of unacceptably high noise levels, the likelihood of a bigger and even noisier American SST being welcome at European airports goes glimmering. Without landing rights at London, Paris, Frankfurt, Rome and Copenhagen—Europe's five biggest air terminals—the SST simply could not cut the financial mustard.

SEEK $290 MILLION IN SENATE

As the U.S. SST program headed toward a crucial vote on its future, expected in the Senate this week, its backers have relied

with increasing frequency on two arguments in support of a $290 million prototype development appropriation.

One of these arguments is "balance of payments." The other is "aeronautical superiority." The first says that if the United States doesn't build its SST, American-flag airlines will have to buy the Concorde. The second asserts that if Europe produces the fastest airplane, carriers all over the free world will buy their whole line of commercial aircraft—subsonic as well as supersonic—from European sources and the American industry will suffer.

But while these arguments have been advanced in this country, a rising tide of trouble has threatened to engulf the Concorde, two prototype models of which are already flying in Britain and France.

Two problems, one chronic and one acute, beset the 1,400-m.p.h. European plane at a crucial point in its development cycle:

(1) Rising costs are forcing the two governments backing the airplane to take another look at the desirability of going ahead with what at best may be only a marginally justified venture. This is the chronic problem, which several years ago was so serious that the British tried without success to drop out of the joint venture with Gen. Charles de Gaulle's France.

(2) A quirk of the weather earlier this month forced the British Concorde prototype to land at London's busy Heathrow Airport with noise that outraged Londoners. This is the acute problem, which Britishers now see would become permanent if the airplane goes into regular operation.

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[From Chicago Today, Sept. 10, 1970]

HARD SELL ON THE SST

In a recent press release, the Air Transport Association quoted its president, Stuart G. Tipton, as saying that it is in the national interest to continue developing a good supersonic transport plane. Tipton's comments were contained in a letter to William Magruder, a former test pilot now in charge of selling the Senate on continued government backing of the SST.

We assume that Tipton wrote the letter to help Magruder refute arguments by SST critics that the airlines—which Tipton's organization represents—are not eager to buy the SST, even if it reaches the production stage. In the portion of his letter quoted by the ATA, Tipton doesn't mention who will foot the bill. In fact, both the airlines and Magruder want the public to continue paying—far beyond the $700 million it already has paid.

This is one of the latest steps in the hard sell being conducted by the administration for sinking still more money into development of an aircraft that will produce intolerable noise, possibly damage the environment in other ways, and prove an unjustifiably bad investment for the government.

Just how bad an investment the SST is can be inferred from the fact that private financing is not available. In other words, it isn't an attractive property to those who know how to make money. This is of particular concern to a subcommittee of the Joint Economic Committee, which prepared a report on the project. The final cost of the development may reach more than $3 billion, or about twice the figure currently advertised by the administration. "There is little prospect," concludes the report, "that the government will earn a reasonable rate of return . . . it is entirely possible that the government will recover none of this investment."

If the environmental and design problems of the SST can be surmounted as its supporters claim, fine. If that happens, private investors will be more than happy to back it. So there is no reason for the taxpayers to continue paying for it, now or ever.

Mr. PERCY. Mr. President, I thank the distinguished Senator from Wisconsin as well as the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I appreciate the generosity of the distinguished senior Senator from Illinois. As always, it was a pleasure to listen to him.

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## ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period of not to exceed 30 minutes for the transaction of routine morning business, with a 3-minute limitation on statements made therein, and that thereafter the unfinished business be laid before the Senate.

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

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## THE SUPERSONIC TRANSPORT PLANE

Mr. PROXMIRE. Mr. President, in the morning hour I again extend my warmest commendations to the distinguished senior Senator from Illinois who has just made such a superlative statement on the SST. I have heard many other speeches on the SST. This is certainly one of the best.

It is highly significant that the senior Senator from Illinois (Mr. PERCY), who is very well qualified on matters of finance and has been such a success himself in the business world, should speak against the SST.

Mr. President, the Congress had a similar temptation to subsidize commercial aircraft construction some years ago when former Senator Monroney presented a proposal which passed the Senate but failed in the House and was killed at that time. That measure would have provided for a subsidy for research and development of subsonic jet planes.

It was said at that time that if we did not go ahead with the subsidy, other countries would subsidize the manufacture of their planes and would be far ahead of us if we refused to go ahead and left it to the private market. But as I say the Congress killed the subsidy.

The private market took it from there, and the result? America is now supreme in the world in the field of aviation, as has been asserted many times this morning. We produce 80 percent of the commercial aircraft, especially the unsubsidized subsonic jet aircraft, in the world. We do that because we have not had the heavy hand of bureaucracy and subsidization which destroys discipline in the marketplace. We depend entirely upon free enterprise, and it works very well. We should continue to follow that policy and vote "no" on the SST subsidy tomorrow.

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## DOWNWIND FROM THE SST

Mr. PROXMIRE. Mr. President, I commend to the Senate the excellent editorial on the SST that appeared in today's New York Times. The editorial considers a number of the arguments that have been advanced in the SST's behalf, and disposes of them simply and convincingly.

Of the argument that the sonic boom from the SST will cause only 2.5 pounds of overpressure, the Times notes that the sonic booms emitted during the test flights over Oklahoma City a few years back amounted to only 1.3 to 1.7 pounds of pressure. Those flights produced an outcry from Oklahoma City residents, compelling the Air Force to abandon the flights. And the damage claims resulting from the repeated sonic booms are still being pressed today.

Incidentally, we had the same experience in Milwaukee, Wis., where the Air Force also engaged in such flights. My office was swamped with complaints and the damage was very considerable.

SST proponents have consistently attempted to downplay the SST's environmental impact. But no matter how hard they try, this just is not going to go away. For example, they tell us that the SST will emit fewer pollutants than other forms of transportation, including subsonic jets. This simply is not true. The FAA was finally compelled to admit this during House appropriations hearings earlier this year. The following chart, showing emissions by an SST, a 707, and a 747 during a New York to Paris flight was supplied for the RECORD by DOT Under Secretary James Beggs:

| Combustion product | 707 | 747 | SST |
|---|---|---|---|
| $CO_2$ | 361,000 | 785,000 | 960,000 |
| $H_2O$ | 144,000 | 313,000 | 382,000 |
| CO | 4,900 | 10,600 | 13,000 |
| NO | (1) | (1) | 2,000 |

[1] Negligible.

So in fact the SST emits more pollutants, not less, than the planes that are in use today.

The Times editorial points out why it is totally invalid to compare SST pollution with a cloudburst, or with other modes of transportation.

Mr. President, I ask unanimous consent that the editorial entitled "Downwind from the SST" be printed in the RECORD.

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

DOWNWIND FROM THE SST

As the Senate nears its critical vote on the money for the supersonic transport, its advocates are making desperate efforts to assure approval.

With charming lack of humility, William M. Magruder, former test pilot who heads the Administration's lobbying effort for the SST, has published a paper accusing the nation's leading economists of a "basic lack of comprehension" of the airline industry. Professor Paul Samuelson may have won the Nobel Prize in economics and his anti-SST colleagues may stand at the peak of their profession but Mr. Magruder, no economist himself, calmly asserts that he knows more about the economics of aviation than they do. Perhaps a man who has flown through the sound barrier thinks nothing of shooting down a gaggle of economists, but earthbound laymen can only marvel at his disdain for mere expert knowledge

James J. Harford, executive secretary of the American Institute of Aeronautics, writing on the Op-Ed page of this newspaper on Tuesday, offered some equally breathtaking assertions.

"Let's just assume that everyone agrees that the plane will give us a smooth ride at 60,000 feet where there's neither jumpy air nor traffic," he wrote. It is an assumption no one should make because air traffic controllers report that the SR–71, a military reconnaissance plane, has already encountered severe "clear air turbulence" at that altitude.

Mr. Harford asserts that the SST will cause only 2.5 pounds of "overpressure." But the Federal Government tactfully stopped sonic boom tests over Oklahoma City because overpressure of only 1.3 to 1.7 pounds provoked such painful noise levels. It is perfectly true that the SST will climb faster than the existing jumbo jets, but the harsh fact remains that while climbing from zero to 1,500 feet, the SST will make ear-shattering noise louder than anything today's jets produce. No solution is in sight. If any reputable scientist could offer hope of such a solution, the Department of Transportation would be heavily publicizing him. Instead, it is trying to hush-hush the problem because it cannot quiet the engine.

As for the ecological danger to the stratosphere, Mr. Harford and other SST advocates blithely compare the plane's effects to those of cloudbursts. But cloudbursts do not put water vapor into the stratosphere. The SST will. Because the consequences are incalculable, the scientific community is worried, and rightly so.

Regardless of the water vapor argument, the SST like all other jets is a major polluter. A fleet of 500 SST's will produce vast quantities of nitrogen oxide.

The SST cannot plausibly be advocated on the grounds that it is more "productive" than the jumbo jet or that it will hold down passenger fares. If either argument were valid, the airlines would be rushing to buy it rather than running away from it. In fact, the SST would cost at least twice as much as the 747 and would consume twice as much fuel while carrying only two-thirds as many passengers. It could only be commercially viable if passengers were willing to pay a stiff surcharge for flying in it.

Senator Magnuson of Washington has readied the final sales gimmick. He has a bill to forbid the SST from flying over land. But laws can always be repealed or revised. This one surely would be if experience showed that the SST could not make money if it only flew at top speed when over water.

The best way to prevent pollution, noise, waste and ecological danger is to kill the SST before it ever flies. Senators have to turn aside from political expediency and vote to save the environment.

## PRESIDENTIAL HOUR

Mr. DOLE. Mr. President, after much consideration and considerable observation, both visual and oral, I have concluded that the Senate of the United States would be justified in making a change in its rules, effective at the beginning of the 92d Congress.

Mr. President, I urge that all the Members of the Senate, in recognition of the laudable ambitions of some of our Members, set aside during each day we are in session a special period not to exceed 1 hour. That period, preferably to follow immediately at the close of the morning hour, would be known aptly as the "Presidential hour."

As I visualize it, the Presidential hour would be reserved for four groups of Senators: First, those Senators who think they are President; second, those Senators who think they should have been President; third, those Senators who think they want to be President; and fourth, those Senators who are ready to settle for being Vice President.

Mr. President, there are several advantages to my proposal, and they should be weighed carefully.

First of all, such an hour should effectively separate the campaign rhetoric from the serious debate.

Second, it would identify for the Members, the press, and the public which of the Senators has or has had higher ambitions.

Third, it would lend credibility—perhaps incredibility—to what these Presidential aspirants have to say.

I might add, Mr. President, that such an hour, while it would benefit primarily Democrats for the next 2 years, would, after President Nixon's reelection, be of equal benefit to some of my colleagues on this side of the aisle.

In any event, Mr. President, I urge my colleagues to give this proposal consideration.

## CHARTER AIRCRAFT ACCIDENTS

Mr. DOLE. Mr. President, during the last month three tragic airline crashes have claimed 152 lives. These deaths have left each of us saddened, and we share in the sorrow of the friends and loved ones.

But the question now is, "What precautions can we take to best minimize injuries and loss of lives from such accidents in the future?"

The most obvious answer may appear to be appropriate additional money for aircraft accident prevention. And, this may be a partial answer. Since May of 1967, the National Transportation Safety Board has had the responsibility of determining the cause of all civil aviation accidents. Over the 2½ years, the Board has done an excellent job in investigating accidents, and in doing so has accumulated substantial information. Indeed, by this year the Board has advanced to the point where with an increase of resources of manpower, it has felt it could place a greater emphasis on correlating its existing data with a view to pinpointing corrections in patterns hazardous to air safety. However, the Senate Appropriations Committee, following House action, denied the request of the Board for additional personnel and $30,000 for consultant services to implement this opportunity. I regret the committee found it necessary to make that decision.

But additional money would be only a partial solution in accident prevention, not an answer in itself. Of greater importance are the rules and regulations of airline operations and their enforcement.

The many questions raised following the tragic crash on October 2 of a chartered plane carrying members of the Wichita State football team illustrates the point.

Secretary of Transportation Volpe has appointed his Assistant Secretary for Safety and Consumer Affairs, Adm. Willard Smith, to conduct a broad study of chartered aircraft services. At the NTSB hearing on the aircraft accident involving the Wichita State football team, I proposed that the Congress review FAA and CAB practices and procedures to determine if additional legislation is necessary. At this time, I reiterate that proposal. The Congress should determine if we must have new legislation to insure that safe and dependable air charter service is available throughout the country.

At present, it is often difficult for colleges and universities without large travel budgets to arrange standard charter flights. Furthermore, reliable charter companies may not be within a reasonable distance of the school. As a result, these schools are left in the position of relying on nonscheduled companies that many only technically comply with FAA regulations. In light of this, Congress should determine if existing FAA standards are sufficient to prevent evasion or violation of safety regulations and if the FAA has sufficient resources to implemeet these standards as to: First, mechanical condition of aircraft being chartered; second, the right to charter; third, pilot qualification and flight crew capability; and fourth, flight planning.

In addition, the regulatory philosophy applied to charter airline operations should be examined. Requiring only minimum compliance with safety regulations places a charter passenger at a disadvantage in comparison to those using regular commercial service. A fare-paying passenger should be covered under an equivalent level of safety, whatever his mode of transportation.

The accidents at Huntington, W. Va., and Anchorage, Alaska, will probably raise additional questions which only an in-depth investigation will reveal. I urge the appropriate Senate committees to act on these questions early next session.

## AMENDMENT OF SECTION 303(b) OF INTERSTATE COMMERCE ACT

Mr. MAGNUSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 8298.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 8298) to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MAGNUSON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Mr. MAGNUSON, Mr.

HARTKE, Mr. HOLLINGS, Mr. PROUTY, and Mr. BAKER conferees on the part of the Senate.

## ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

## 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. 3418) to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 18126) to amend title 28 of the United States Code to provide for holding district court for the eastern district of New York at Westbury, N.Y.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H.R. 4982. An act for the relief of Thomas J. Beck;

H.R. 13805. An act for the relief of David Z. Glassman;

H.R. 15805. An act for the relief of Warren Bearcloud, Perry Pretty Paint, Agatha Horse Chief House, Marie Pretty Paint Wallace, Nancy Paint Littlelight, and Pera Pretty Paint Not Afraid; and

H.J. Res. 1411. Joint resolution correcting certain printing and clerical errors in the Legislative Reorganization Act of 1970.

## ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. BURDICK):

S. 2224. An act to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes;

H.R. 4302. An act to amend title 28 of the United States Code, section 753 to authorize payment by the United States of fees charged by court reporters for furnishing certain transcripts in proceedings under the Criminal Justice Act;

H.R. 8470. An act for the relief of Captain Jackie D. Burgess;

H.R. 9677. An act to amend section 1866 of title 28, United States Code, prescribing the manner in which summonses for jury duty may be served;

H.R. 14714. An act to amend authority of the Secretary of the Interior under the Act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes; and

H.R. 17272. An act for the relief of certain employees of the Department of Defense.

## HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 4982. An act for the relief of Thomas J. Beck;

H.R. 13805. An act for the relief of David Z. Glassman; and

H.R. 15805. An act for the relief of Warren Bearcloud, Perry Pretty Paint, Agatha Horse Chief House, Marie Pretty Paint Wallace, Nancy Paint Littlelight, and Pera Pretty Paint Not Afraid; to the Committee on the Judiciary.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROGRESS REPORT ON RURAL DEVELOPMENT

A letter from the Acting Secretary of Agriculture, transmitting, pursuant to law, a report reflecting the efforts of the Department to provide information and technical assistance to small communities and less populated areas in regard to rural development during fiscal year 1970 (with an accompanying report); to the Committee on Agriculture and Forestry.

PROGRESS REPORT ON ASSISTANCE TO NONMETROPOLITAN PLANNING DISTRICTS

A letter from the Secretary of Agriculture and the Secretary of Housing and Urban Development, transmitting, a progress report on assistance furnished to nonmetropolitan planning districts by the two Departments (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT OF THE WORK OF THE NATIONAL PARK FOUNDATION

A letter from the Secretary, National Park Foundation, transmitting, pursuant to law, a report of the work of the Foundation (with an accompanying report); to the Committee on Interior and Insular Affairs.

ADMISSION INTO THE UNITED STATES OF CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

THIRD AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

REPORT ON THE EDUCATION PROFESSIONS

A letter from the Associate Commissioner, Office of Education, Bureau of Educational Personnel Development, Department of Health, Education, and Welfare, transmitting, pursuant to law, a report on the state of the education profession, the needs for educational personnel, and the trends and plans concerning the future complexion of programs and allocation of funds for training purposes (with an accompanying report); to the Committee on Labor and Public Welfare.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 3328. An act to authorize the Secretary of the Interior to approve an agreement entered into by the Soboba Band of Mission Indians releasing a claim against the Metropolitan Water District of Southern California and Eastern Municipal Water District, California, and to provide for construction of a water distribution system and a water supply for the Soboba Indian Reservation; and to authorize long-term leases of land on the reservation (Rept. No. 91–1387).

By Mr. PASTORE, from the Committee on Appropriations, without amendment:

H.R. 19830. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91–1388).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 1160. An act to amend the act of April 22, 1960, providing for the establishment of the Wilson's Creek Battlefield National Park (Rept. No. 91–1389); and

H.R. 13934. An act to amend the act of September 21, 1959 (73 Stat. 590), to authorize the Secretary of the Interior to revise the boundaries of Minute Man National Historical Park, and for other purposes (Rept. No. 91–1390).

By Mr. SPARKMAN, from the Committee on Foreign Relations, without additional amendment:

H.R. 15728. An act to authorize the extension of certain naval vessel loans now in existence and new loans, and for other purposes (Rept. No. 91–1391).

## EXECUTIVE REPORTS OF A COMMITTEE

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

By Mr. BYRD of West Virginia (for Mr. RANDOLPH), from the Committee on Public Works:

Col. James C. Donovan, Corps of Engineers, to be a member of the California Debris Commission; and

William D. Ruckelshaus, of Indiana, to be Administrator of the Environmental Protection Agency.

## BILLS INTRODUCED

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

By Mr. EAGLETON:

S. 4551. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Gerontology; to the Committee on Labor and Public Welfare.

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

By Mr. MONDALE:

S. 4552. A bill for the relief of Mr. and Mrs. Harold R. Harter, senior; and

S. 4553. A bill for the relief of John R. Cochrane; to the Committee on the Judiciary.

By Mr. SCHWEIKER:

S. 4554. A bill for the relief of Gaetano Reale, Elisabetta Reale, Rosanna Reale, Dario Reale, Valerio Reale; and

S. 4555. A bill for the relief of Antonio Gargano, Giovanna Gargano, Francesco Gargano, Anita Gargano; to the Committee on the Judiciary.

By Mr. CASE:

S. 4556. A bill to require that international agreements other than treaties, hereafter entered into by the United States, be transmitted to the Congress within 60 days after the execution thereof; to the Committee on Foreign Relations.

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

## S. 4551—INTRODUCTION OF A BILL TO PROVIDE FOR THE ESTABLISHMENT OF A NATIONAL INSTITUTE OF GERONTOLOGY

Mr. EAGLETON. Mr. President, I know of no area of medical research so neglected as that relating to aging. Today, about 10 percent of our population—20,000,000 Americans—are over 65 years of age. Within the next 30 years an additional 45 to 50 million Americans will have passed their 65th birthday and this group will represent an even greater proportion of the population.

Yet the share of the NIH budget devoted to research in aging is incredibly small. Last year, out of a total NIH research budget of $975,267,000, only $7.4 million went for research specifically designed to alleviate the problems of our elderly citizens.

This allocation of resources is not only inequitable, it is shortsighted. Persons over 65 account for an inordinately large share of the total health care expenses in the United States; by some estimates, as much as two-thirds of our total expenditures for health care are attributable to the treatment of the aged. This tremendous expenditure of funds for the care of the aged is ironic when, according to recognized medical authorities, the chemistry of aging and degenerative diseases has reached the point where a major breakthrough could be made.

Research in this area is presently conducted under the auspices of the National Institute of Child Health and Human Development—an anomaly in name and in operation.

For these reasons, I am today introducing legislation to create a National Institute of Gerontology as a part of the National Institutes of Health.

The work done by such an institute would have a very substantial effect on the quality of life of the aged. It could lead to an extension of the healthy middle years of life. The contribution each individual might make to society would be increased. And by improving our knowledge of the aging process, we can hope to develop a greater proficiency in preventive medicine for the diseases of the aged, thus reducing the annual cost of health care now attributable to treatment of the aged.

The ACTING PRESIDENT pro tempore (Mr. BURDICK). The bill will be received and appropriately referred.

The bill (S. 4551) to amend the Public Health Service Act to provide for the establishment of a National Institute of Gerontology, introduced by Mr. EAGLETON, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

## S. 4556—INTRODUCTION OF A BILL REQUIRING THE TRANSMITTAL OF ALL EXECUTIVE AGREEMENTS TO THE CONGRESS WITHIN 60 DAYS OF THEIR EXECUTION

Mr. CASE. Mr. President, 14 years ago, then Republican minority leader Senator William F. Knowland introduced a bill requiring all U.S. international agreements other than treaties to be transmitted to the Senate within 60 days of their execution.

Unopposed by the Eisenhower administration, twice reported favorably by the Foreign Relations Committee under the chairmanship of the late Senator Walter F. George, passed by the Senate without objection in July 1956, it never was acted upon by the House.

Today I am reintroducing this bill and broadening its application to include the House of Representatives and the House Foreign Affairs Committee.

Had this legislation enabling legislative oversight of Executive agreements been enacted, I believe that much of the acrimony which since has surrounded the disclosure of commitments made under Executive agreements never would have developed.

To the extent that knowledge of their terms would have provided an independent legislative check upon the obligations assumed by the executive branch in our gradual involvement in Southeast Asia, the U.S. role in this war might have been moderated or at least have been better understood in the Congress. Had this legislation been passed in 1956, the phrase "credibility gap" might never have entered the language.

Recent experience, the findings of the Symington Subcommittee on National Commitments, the questions that refuse to go away regarding the commitments of the United States in Southeast Asia, all manifest increasing concern over the extent and terms of U.S. obligations to foreign countries.

In practical terms, a Senate not even advised of commitments which fall short of what the executive branch pleases to denominate a treaty cannot adequately fulfill its advise-and-consent responsibilities under the Constitution.

In an age of instant communications and U.S. military deployment abroad in the eye of potential conflict, all nontreaty commitments which can commit or involve this country in possible hostilities must be examined before they are triggered by events. Failing such prior examination, the U.S. Senate—as increasingly has been the case since World War II—is reduced to post mortem reviews of accomplished facts.

And this atrophy of the Senate's role has occurred despite the fact that disclosure of international agreements on an annual basis already is established in law. Section 112a of title I of the United States Code presently requires the Secretary of State to compile and publish all international agreements other than treaties concluded by the United States during each calendar year.

Far from having been the cause of controversy, this section of the United States Code was enacted in 1950 as an outgrowth of an administrative reorganization affecting the responsibility for the publication of these documents. This absence of substantive debate or challenge also characterized the two preceding occasions—1935 and 1938—when the dissemination of executive agreements was provided for by the Congress as routine administrative legislation.

Although the provision of section 112a on its face is all inclusive, the position of the executive branch has been to withhold from publication those agreements which it has considered sensitive as affecting security considerations. As a consequence, the Senate has not had access to such agreements.

In recognition of the sensitivity of some of these agreements, the amendment which I am introducing, therefore, further provides that if an executive agreement is one whose immediate disclosure would prejudice the national security, then it is to be transmitted to the Committee on Foreign Relations and the Committee on Foreign Affairs under an injunction of secrecy removable only by the President.

I would hope that this long-needed amendment will be received in the constructive spirit which marked its original reception, for the problems of the 1950's in many ways parallel those of today.

Then the issue of Presidential versus congressional powers found its expression in the senatorial debate surrounding a number of proposals made by the then Senator from Ohio, John Bricker. Fearful that actions by the President without reference to the Congress would impinge upon the rights of citizens and States, supporters of the Bricker proposals would have given Congress unprecedented powers to restrict the President.

In that time of trying circumstances and harsh demands, the Knowland amendment was offered and supported as a proposal enabling the Senate better to exercise its Constitutional responsibilities in the foreign policy field and as an alternative to Senator Bricker's proposed restrictions upon the powers of the Presidency.

I believe that this amendment can

serve a similar moderating and constructive function today and provide an effective alternative to the threat of neo-isolationism.

What is necessary is an appreciation by the Congress and Executive alike that this country is not governable in the absence of the full exercise of respective constitutional powers on the part of each branch.

In the 1950's that appreciation was reflected in the Eisenhower administration's original decision to accept the Knowland amendment.

When the Knowland amendment first was being considered by the Foreign Relations Committee in 1954, the State Department actively cooperated with the committee in drafting a bill which would be mutually acceptable. In letters which I shall make available for the record, it is even shown that the section of the amendment providing for the transmittal of classified agreements to the committee originated as a Department of State suggestion.

I deeply hope that we can recapture that spirit of cooperation, for it is essential if each branch is to fulfill its Constitutional responsibilities.

In 1954, former Senator Homer Ferguson of the Foreign Relations Committee summed up the obligation of the Congress and its relation to the Knowland amendment with a simple and clear eloquence:

I think that this is a responsibility that the United States Senate and this committee must assume.

If under the present law, (executive agreements are) to be the supreme law of the land, then, being a government of law and not of men, we ought to have them filed here in the Senate. If they are secret, they ought to be in this committee, so that this committee could act, if they desire to act, to protect the rights of citizens.

Mr. President, I ask unanimous consent that the bill, Foreign Relations Committee Report No. 2340, dated August 7, 1954, Foreign Relations Committee Report No. 2416, dated July 5, 1956, and two State Department letters dated March 16, 1954, and March 7, 1955, be printed at this point in the RECORD.

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

The bill (S. 4556) to require that international agreements other than treaties, hereafter entered into by the United States, be transmitted to the Congress within 60 days after the execution thereof, introduced by Mr. CASE, was received, read twice by its title, referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

S. 4556

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That title 1, United States Code, is amended by inserting after section 112a the following new section:

"§ 112b. United States international agreements; transmission to Congress

"The Secretary of State shall transmit to the Congress the text of any international agreement, other than a treaty, to which the United States is a party as soon as practicable after such agreement has entered into force with respect to the United States but in no event later than sixty days thereafter. However, any such agreement the immediate public disclosure of which would, in the opinion of the President, be prejudicial to the national security of the United States shall not be so transmitted to the Congress but shall be transmitted to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives under an appropriate injunction of secrecy to be removed only upon due notice from the President."

SEC. 2. The analysis of chapter 2 of title 1, United States Code, is amended by inserting immediately between items 112a and 113 the following:

"112b. United States international agreements transmission to Congress."

The material, presented by Mr. CASE, is as follows:

[Report No. 2340, Aug. 5, 1954]

REQUIRING INTERNATIONAL AGREEMENTS OTHER THAN TREATIES TO BE TRANSMITTED TO THE SENATE WITHIN 60 DAYS AFTER EXECUTION THEREOF

The Committee on Foreign Relations, having had under consideration S. 3067, requiring international agreements other than treaties to be transmitted to the Senate within 30 days from the execution thereof, reports the bill with an amendment, and recommends its approval.

MAIN PURPOSE OF THE BILL

As introduced by Senator Ferguson (for himself and Senator Knowland) on March 3, 1954, the bill would have amended title I of the United States Code by inserting a new section (sec. 112b), requiring the Secretary of State to transmit to the Senate the text of any international agreement to which the United States is a party, within 30 days after it has been signed, proclaimed, or finally executed with the requisite formalities. The bill then directed the President of the Senate to refer the agreement to the appropriate committee of the Senate or joint committee of the Senate and House of Representatives.

At the present time, section 112a of title I of the United States Code requires the Secretary of State to compile and publish, beginning with January 1, 1950, a compilation entitled "United States Treaties and International Agreements," containing all treaties to which the United States is a party, that have been proclaimed during each calendar year, along with international agreements other than treaties concluded by the United States during each calendar year. S. 3067 would broaden this publicity provision, by requiring the texts of agreements other than treaties (often loosely designated as "executive agreements") to be brought to the attention of the Senate within the much shorter interval of 30 days. As reported by the committee this period has been increased to 60 days, and certain other modifications which are discussed below, have been introduced into the bill.

BACKGROUND OF THE MEASURE

During the past few years many Members of the Senate have manifested concern as to the scope and function of executive agreements in the conduct of the foreign relations of the United States. Under the Constitution treaties are submitted to the Senate for its approval and are given careful examination by the Foreign Relations Committee and the Members of the Senate generally. Since World War II the executive branch has worked closely with the committee in concluding most of the important treaties which have been entered into by the United States.

The situation has been far less satisfactory with respect to executive agreements. Many of these have an important bearing upon our foreign policy. Since they are not submitted for the approval of the Senate, however, considerable time may elapse after their conclusion before they are called to the attention of the Senate. This creates unfortunate gaps in the flow of information between the legislative and executive branches of our Government.

The present bill ensures that the Senate will be kept regularly informed concerning the subject matter of agreements finalized by Executive action alone. The senate thereby will be in a position not only to ascertain the nature and extent of the rights and obligations provided for under instruments other than formal treaties, but to establish to its own satisfaction the relationship between such agreements and the laws of the United States on the one hand, and their impact upon our foreign policy upon the other. In the former case, it will then be open to Congress to take corrective action, so far as our domestic law is concerned, by the enactment of appropriate legislation where that might be necessary. In other words, by insisting upon adequate and reasonable prompt publicity concerning the scope of inernational agreements other than treaties, Congress will be better equipped than it now is to perform its proper functions in the field of foreign relations.

COMMITTEE ACTION

Prior to a number of meetings which were held (May 5, July 23, and 26) by a subcommittee appointed to consider the bill (composed of Senator Smith (New Jersey), chairman, and Senators Wiley, Hickenlooper, Ferguson, George, Green, Fulbright, and Mansfield), the committee had been informed by Assistant Secretary of State Thruston B. Morton that S. 3067 was objectionable to the Department in its original form, for two main reasons. First, the 30-day period for transmission of the finalized agreement to the Senate was too short, purely as an administrative matter, in view of the time ordinarily consumed in completing exchanges of views and in perfecting the final authentic draft where long distances are involved. This suggestion was adopted by the subcommittee, the period of 60 days being substituted for the time originally set in the bill.

Second, according to the Department, there are a number of agreements which, for security reasons, are highly classified, and which the Department believed should not, in the national interest, be made available to the general public or deposited in the insecurely protected files of Congress as a whole. For this reason, the subcommittee voted, on July 26, 1954, to amend the bill so as to provide that—"any such agreement, the immediate public disclosure of which would in the opinion of the President of the United States be prejudicial to the national security of the United States shall not be transmitted to the Senate as in this section provided; but shall be transmitted to the Committee on Foreign Relations under an appropriate injunction of secrecy to be removed only upon due notice from the President."

As a consequence of this amendment, every international agreement other than a treaty is to be transmitted to the Senate within 60 days from the date that it comes into force; but if such agreement is one whose immediate disclosure would prejudice the national security of this country, then it will be transmited to the Committee on Foreign Relations. The committee will undertake appropriate steps for its safeguarding, and, after considering its terms, may take whatever action it deems proper under the circumstances.

With the changes indicated above, along with certain other minor alterations of the text, the committee without objection agreed

to report the bill to the Senate on August 6, 1954.

COMMITTEE RECOMMENDATION

The members of the committee believe that this bill will provide the basis for keeping the Senate duly informed on a variety of matters dealt with by executive agreements which had hitherto escaped its attention. At the same time it will insure a closer degree of liaison between the Executive and Congress throughout the entire range of the treaty process. Finally, it is believed that this measure will necessarily produce a salutary restraining effect on the conclusion of such agreements as may have been, in the past, productive of criticism, furnishing to the Senate the means whereby corrective legislative action may be taken if necessary.

For these reasons, the committee recommends that the present bill be promptly enacted with the amendments described in this report.

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[REPORT NO. 2416, July 3, 1956]

REQUIRING INTERNATIONAL AGREEMENTS OTHER THAN TREATIES TO BE TRANSMITTED TO THE SENATE WITHIN 60 DAYS AFTER EXECUTION THEREOF

The Committee on Foreign Relations, having had under consideration S. 147, requiring international agreements other than treaties to be transmitted to the Senate within 30 days from the execution thereof, reports the bill with an amendment, and recommends its approval.

MAIN PURPOSE OF THE BILL

As introduced by Senator Knowland on January 6, 1955, the bill would have amended title I of the United States Code by inserting a new section (sec. 112b), requiring the Secretary of State to transmit to the Senate the text of any international agreement other than a treaty to which the United States is a party, within 30 days after it has been signed, proclaimed, or finally executed with the requisite formalities. The bill, then directed the President of the Senate to refer the agreements to the appropriate committee of the Senate or joint committee of the Senate and House of Representatives.

At the present time, section 112a of title I of the United States Code requires the Secretary of State to compile and publish, beginning with January 1, 1950, a compilation entitled "United States Treaties and International Agreements," containing all treaties to which the United States is a party, that have been proclaimed during each calendar year, along with international agreements other than treaties concluded by the United States during each calendar year. S. 147 would broaden this publicity provision, by requiring the texts of agreements other than treaties (often loosely designated as "executive agreements") to be brought to the attention of the Senate within the much shorter interval of 30 days. As reported by the committee, this period has been increased to 60 days, and certain other modifications which are discussed below, have been introduced into the bill.

BACKGROUND OF THE MEASURE

During the past few years many Members of the Senate have manifested concern as to the scope and function of executive agreements in the conduct of the foreign relations of the United States. Under the Constitution treaties are submitted to the Senate for its approval and are given careful examination by the Foreign Relations Committee and the Members of the Senate generally. Since World War II the executive branch has worked closely with the committee in concluding most of the important treaties which have been entered into by the United States.

The situation has been far less satisfactory with respect to executive agreements. Many of these have an important bearing upon our foreign policy. Since they are not submitted for the approval of the Senate, however, considerable time may elapse after their conclusion before they are called to the attention of the Senate. This creates unfortunate gaps in the flow of information between the legislative and executive branches of our Government.

The present bill insures that the Senate will be kept regularly informed concerning the subject matter of agreements finalized by Executive action alone. The Senate thereby will be in a position not only to ascertain the nature and extent of the rights and obligations provided for under instruments other than formal treaties, but to establish to its own satisfaction the relationship between such agreements and the laws of the United States on the one hand, and their impact upon our foreign policy upon the other. In the former case, it will then be open to Congress to take corrective action, so far as our domestic law is concerned, by the enactment of appropriate legislation where that might be necessary. In other words, by insisting upon adequate and reasonably prompt publicity concerning the scope of international agreements other than treaties, Congress will be better equipped than it now is to perform its proper functions in the field of foreign relations.

COMMITTEE ACTION

S. 147 is identical with S. 3067 which had been introduced on March 3, 1954, during the 83d Congress. When the earlier bill was considered at meetings held for that purpose (on May 5, July 23, and July 26) by a special subcommittee (consisting of Senator Smith (New Jersey), chairman, and Senators Wiley, Hickenlooper, Ferguson, George, Green, Fulbright, and Mansfield), the committee had been informed by the Department of State that S. 3067 was objectionable, in its original form, for two main reasons. First, the 30-day period for transmission of the finalized agreement to the Senate was too short, purely as an administrative matter, in view of the time ordinarily consumed in completing exchanges of views and in perfecting the final, authentic draft where long distances are involved. This suggestion was adopted by the subcommittee, the period of 60 days being substituted for the time originally set in the bill.

Second, according to the Department, there are a number of agreements which, for security reasons, are highly classified, and which the Department believed should not, in the national interest, be made available to the general public or deposited in the insecurely protected files of Congress as a whole.

These objections to the measure were reaffirmed, with respect to S. 147, in a letter to the committee from Assistant Secretary of State Thruston B. Morton, dated March 7, 1955. Accordingly, the committee voted on July 3, 1956, to amend the bill, as it had the earlier measure, so as to provide that—

Any such agreement, the immediate public disclosure of which would in the opinion of the President of the United States be prejudicial to the national security of the United States shall not be transmitted to the Senate as in this section provided; but shall be transmitted to the Committee on Foreign Relations under an appropriate injunction of secrecy to be removed only upon due notice from the President.

As a consequence of this amendment, every international agreement other than a treaty is to be transmitted to the Senate within 60 days from the date that it comes into force; but if such agreement is one whose immediate disclosure would prejudice the national security of this country, then it will be transmitted to the Committee on Foreign Relations. The committee will undertake appropriate steps for its safeguarding, and, after considering its terms, may take whatever action it deems proper under the circumstances.

With the changes indicated above, along with certain other minor alterations of the text, the committee without objection agreed to report the bill to the Senate on July 3, 1956.

COMMITTEE RECOMMENDATION

The members of the committee believe that this bill will provide the basis for keeping the Senate duly informed on a variety of matters dealt with by executive agreements which had hitherto escaped its attention. At the same time it will insure a closer degree of liaison between the Executive and Congress throughout the entire range of the treaty process. Finally, it is believed that this measure will necessarily produce a salutary restraining effect on the conclusion of such agreements as may have been, in the past, productive of criticism, furnishing to the Senate the means whereby corrective legislative action may be taken if necessary.

For these reasons, the committee recommends that the present bill be promptly enacted with the amendments described in this report.

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DEPARTMENT OF STATE,
*Washington, March 16, 1954.*

Hon. ALEXANDER WILEY,
*Chairman, Committee on Foreign Relations, U.S. Senate.*

MY DEAR SENATOR WILEY: With your letter of March 4, 1954 you enclosed a copy of S. 3067, "To require that international agreements other than treaties, hereafter entered into by the United States, be transmitted to the Senate within thirty days after the execution thereof." You requested a report by the Department in regard to that measure.

The Department would be glad to supply the Senate with copies of all such agreements. However, the thirty-day period envisaged by the proposed bill would present certain difficulties because of purely mechanical problems. Much of the time between the negotiation of an agreement and the availability of its text for distribution is consumed in the procurement of the papers constituting the agreement. Most of the agreements are negotiated abroad and the receipt of the originals or appropriately certified copies, as the case may be, must be awaited before the process of printing can be started. Even when transmission of these documents is expedited by the post, delays are occasioned in many instances by infrequent pouch service. Moreover, an interchange of correspondence is often necessitated to rectify errors, omissions, and other deficiencies. For these reasons, it would be advisable to provide for a somewhat longer period within which such agreements should be furnished.

Because of the urgency of this matter, time has not permitted the clearance of this report by the Bureau of the Budget, but a copy is being furnished that agency.

Sincerely yours,

THRUSTON B. MORTON,
*Assistant Secretary*
(For the Secretary of State).

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MARCH 7, 1955.

Hon. WALTER F. GEORGE,
*Chairman, Committee on Foreign Relations, U.S. Senate.*

DEAR SENATOR GEORGE: With your letter of February 2, 1955 you enclosed a copy of S. 147, "To require that international agreements other than treaties, hereafter entered into by the United States, be transmitted to the Senate within thirty days after the execution thereof." You requested the Department's views on that measure.

The Department would be glad to supply the Senate with copies of such international agreements. However, there are certain difficulties of a purely administrative nature in connection with the thirty-day time limit proposed in the bill. These were outlined in the Department's letter of March 16, 1954

to the Chairman of the Committee on Foreign Relations in response to a request for its views with respect to S. 3067 of the 83d Congress, which, as introduced March 3, 1954, was identical with the bill presently under consideration.

In its letter of March 16, the Department, after expressing willingness to furnish copies of the agreements, stated:

"However, the thirty-day period envisaged by the proposed bill would present certain difficulties because of purely mechanical problems. Much of the time between the negotiation of an agreement and the availability of its text for distribution is consumed in the procurement of the papers constituting the agreement. Most of the agreements are negotiated abroad and the receipt of the originals or appropriately certified copies, as the case may be, must be awaited before the process of printing can be started. Even when transmission of these documents is expedited by the post, delays are occasioned in many instances by infrequent pouch service. Moreover, an interchange of correspondence is often necessitated to rectify errors, omissions, and other deficiencies. For these reasons, it would be advisable to provide for a somewhat longer period within which such agreements should be furnished."

On the same date the Department pointed out to the Chairman of the Committee that there would undoubtedly be certain agreements, especially in the military field, of a highly classified nature and that the maintenance of their classification would be vital to the security of the United States.

After consideration of these factors and further consultation with the Department, the Committee reported the bill to the Senate on August 7, 1954 with certain amendments. Enclosed for your convenience is a copy of S. 3067 as reported on that date, together with a copy of Senate Report No. 2340 which accompanied it.

The Department recommends that, if legislation of this nature is considered desirable, S. 147 be amended so as to conform to the amendments made in S. 3067 by the Senate Committee on Foreign Relations of the 83d Congress.

The Department has been informed by the Bureau of the Budget that there is no objection to the submission of this report.

Sincerely yours,

THRUSTON B. MORTON,
*Assistant Secretary.*
(For the Secretary of State)

## ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 486

At the request of the Senator from Kansas (Mr. DOLE), the Senator from Wisconsin (Mr. PROXMIRE) was added as a cosponsor of Senate Resolution 486, relating to the joint Army-Air Force effort to liberate American prisoners of war held captive by North Vietnam.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, December 2, 1970, he presented to the President of the United States the enrolled bill (S. 2224) to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes.

## AMENDMENT OF THE FOREIGN ASSISTANCE ACT OF 1971—AMENDMENT

AMENDMENT NO. 1092

Mr. HATFIELD (for himself, Mr. AIKEN, and Mr. KENNEDY) submitted an amendment, intended to be proposed by them, jointly, to the bill (S. 4542) to amend the Foreign Assistance Act of 1971, which was referred to the Committee on Foreign Relations and ordered to be printed.

## DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1971—AMENDMENTS

AMENDMENT NO. 1093

Mr. HART. Mr. President, I propose that we make a very modest increase in the appropriation for the National Highway Safety Bureau. My recommendation is for an additional 10 cents each for the 107 million motor vehicles for which the Bureau has highway safety responsibility. The appropriation as it is reported represents approximately 40 cents per vehicle. Adding the extra 10 cents per vehicle, or $10.7 million, would bring the Safety Bureau's appropriation up to $58.3 million—that is only about three times as much as we are spending on highway beautification.

The effect of House action on the fiscal year 1971 contract budget request was to allow only $29 million of the amended $40.1 million requested. The Senate appeal was for $6.5 million. Some of the significant cuts made by the House include a reduction in the tire standards program of $3,030,000. Even with the Senate approval of the appeal, this vital program is short $2,430,000. The House cut of $880,000, with Senate restoration, leaves the used vehicle safety program only $1.62 million—and this minimal amount must be applied to all programs affecting the 107 million used vehicles on our roads.

The Senate Committee on Appropriations has wisely recommended an appropriation of $47,601,000, an increase of $7,166,000 over the House bill and $5,474,000 under the budget request. The increase provides an additional $6,500,000 for the Bureau's contract program. However, even with the full restoration requested by the Department of Transportation, the appropriation does not provide funds and personnel to begin to take action to reduce the annual $14 billion cost of auto accidents to the American public.

The committee in its report expresses concern for the lack of action by the Department of Transportation for the annual $1 billion loss in cargo thefts. I want to emphasize there is another area of obvious lack of action.

I hope that all will agree that the increase in appropriations to 50 cents per vehicle would go to a worthy cause. Just look at the statistics:

Fresh ones are the more than 600 killed over this Thanksgiving holiday weekend. In recent years, this has been the most disasterous of our holidays for traffic fatalities—running just under 1,000—960—in 1968 and 840 in 1969.

Between 1950 and 1969, motor vehicle accidents caused 850 thousand deaths, more than 30 million injuries, and the economic loss exceeded $135 billion. During the same period there were almost 20 million nonfatal accidents and 203 million property damaging accidents.

Statistics similar to these moved Congress in 1966 to enact the Motor Vehicle and Highway Safety Acts—and the establishment of the National Highway Safety Bureau.

The need for renewed interest in this effort is emphasized by the recent report of the Department of Transportation pointing out that auto insurance is a major problem to millions of consumers both as policyholders and claimants. The present system of compensation is not protecting auto accident victims and their dependents from economic catastrophe. Therefore, we must make funds and personnel available to the National Highway Safety Bureau to lessen the risks of injury and death to occupants of motor vehicles and pedestrians involved in traffic accidents; to develop motor vehicles which are less susceptible to damage in accidents occurring at normal operating speeds; and to develop a uniform grading system for tires.

The responsibility of the Bureau—under the law—was impressive. It was to establish standards that would assure motorists of safe cars coming off the assembly line. It was to set up standards—and an inspection program to assure cars in use were safe. It was to assure consumers that rhyme and reason would be brought into trying to decide which size and make of tire they should use on their cars. In short, it was to be a coordinated partnership between the Federal effort and the various State programs to reduce the deaths, injuries, and economic losses caused by accidents on our streets and highways.

With that mandate, it is a safe assumption that citizens expected they could sleep a little better at night because the National Highway Safety Bureau was on guard.

There is a hooker.

Adequate funds and personnel have never been appropriated for this Bureau.

President Nixon—despite an announced desire to cut Federal spending in the face of inflation did this year propose an increase of $23 million—and 254 people for fiscal 1971.

This increase would have brought the agency up to the strength it was supposed to have in 1968.

But, even this meager appropriation has been cut by the House. Some of the cuts included: $180,000 from the used vehicle safety standards. This would leave us virtually coasting along on applying safety standards—albeit in a limited way—only to the new cars produced since 1966.

That in a limited way is what we have been doing so far. And, this, of course, means that less than one-third of the entire vehicle population of 107 million motor vehicles adhere to the safety standards. We must reach the other 70-or-so million.

That safety standards are needed for all cars, I think, is demonstrated by the

recall statistics. Of the 44 million new foreign and domestic cars put on the American roads under these standards, 15 million have been recalled to correct safety defects. And there is considerable concern that the 15 million is too low—that other cars with unsafe features should have—but have not—been recalled.

Hearings before the Senate Antitrust and Monopoly Subcommittee produced testimony on one study which showed that 92.9 percent of all vehicles 5 years or older had major safety related defects.

Yet the House has cut the inspection technology program by $700,000, the vehicle factors for traffic safety by $200,000 and allowed the repair technology programs only two-tenths of a cent per vehicle or $200,000.

Mr. President, we are currently producing almost three times as many cars yearly as babies. Almost 10 million new cars hit the roads in this country yearly. If we are to have hope that those cars are as safe—and stay as safe—as humanly possible, and are reasonably economical to build, own, and operate, then surely we can spend 50 cents each to guarantee that. To permit this, for the able Senator from Wisconsin (Mr. NELSON) and the able Senator from Indiana (Mr. HARTKE), I submit in amendment, and ask unanimous consent that it be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. GOLDWATER). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 1093) is as follows:

AMENDMENT NO. 1093

On page 13, line 18, strike out "$47,601,000" and insert in lieu thereof "$58,301,000".

On page 13, line 20, before the period insert a comma and the following: "of which not less than $10,700,000 shall be available for research and programs designated to (1) lessen the risks of injury and death to occupants of motor vehicles and pedestrians involved in traffic accidents, (2) develop motor vehicles which are less susceptible to damage in traffic accidents occurring at normal operating speeds, and (3) develop a uniform quality grading system for tires, and for the payment of a staff of 50 persons in excess of present personnel engaged in carrying out these activities, to remain available until June 30, 1972, as authorized by Public Law 563 and Public Law 564".

## ADDITIONAL STATEMENTS OF SENATORS

## THE RISE IN RESIDUAL FUEL OIL PRICES

Mr. KENNEDY. Mr. President, yesterday the Council of Economic Advisers issued its "Second Inflation Alert." Commenting on fuels and energy, the Council underscored the startling rise in residual fuel oil prices of recent months and the crude oil and gasoline price increases announced by the major oil companies last month. The Council pointed out that these increases were rather unusual since stocks of most petroleum products are somewhat higher than a year ago and "the normal market tendency is, of course, for these heavy stocks to weaken prices." The Council went on to say that—

> Through direct actions to curtail production, however, these normal market pressures were not allowed to prevail. Apparently, in response to the high level of inventories, the Texas Railroad Commission has cut back the level of production allowable in the State of Texas for December.

In brief, Mr. President, the Council has found that petroleum price increases have contributed strongly to the inflationary pressures of recent months and that artificial market controls have supported and encouraged these price increases.

In this morning's Washington Post Mr. Bernard Nossiter, in a perceptive article entitled "Looking Into the Price of Oil," demonstrates that the oil import program is an even more severe form of market control—and a greater contributor to inflation. This is, of course, what the Cabinet Task Force on Oil Import Control found earlier this year; it is the conclusion of leading economists of all persuasions.

Mr. Nossiter describes how Federal Government controls over the level of oil imports, plus the State regulatory controls over the level of crude oil production, create artificial shortages and hence higher prices for petrolum products.

Mr. President, the conclusion to be drawn from the "Alert" of the Council of Economic Advisers and from Mr. Nossiter's article are clear and simple: High petroleum prices are the result of Government controls; and those controls and the inflationary pressure which they exert in our economy are the responsibility of one man—the President of the United States.

The oil import control system is under the direct control of the President. With the stroke of a pen, he can raise or lower import levels and raise or lower the level of petroleum prices.

The effectiveness of State controls over crude oil production is a result of a Federal statute—the so-called Connally "Hot Oil" Act. The President has the authority, again by the stroke of a pen, to suspend that act.

Mr. Nossiter puts it another way:

> There is something irresistibly comic about the Nixon Administration's new inquiry into increased oil prices. In effect, the government is solemnly asking itself whether curbs on the supply of a commodity have something to do with raising its price.

I think it is time they stopped playing games. If we in this country are serious about fighting inflation, if this administration is serious about fighting inflation, if the President is serious about fighting inflation, then something can be done and it can be done immediately.

If he is not serious, if he is merely playing games with the American people, if he is trying to fool us with a lot of rhetoric and reports, then let us be perfectly clear about it. I think it is about time the President acted. Congress has given him the authority to stop the inflationary spiral in petroleum prices. He could act today.

He can start listening to the cries for help from consumers across our Nation who are tired of paying more and more to run their cars and heat their homes. The American people are tired of seeing the oil companies make more money while their own paychecks are continuously erroded.

I need not detain the Senate to elaborate on the steps the President can take immediately, and will mention only a few.

First, remove all controls on imports from Canada;

Second, decontrol imports of residual fuel oil into the Middle West;

Third, decontrol home heating oil imports into the East Coast;

Fourth, remove controls on imports of crude oil and other products from Western Hemisphere sources such as Venezuela;

Fifth, increase imports of crude oil and products from countries in other parts of the world;

Sixth, remove Federal lands from State production controls.

Seventh, suspend the Connally "Hot Oil" Act.

It is time to stop talking and start acting. I call upon the President to exercise his leadership and authority in the fight against inflation. As I pointed out he can do so now—this week—by acting to roll back the prices for critical products such as crude oil, residual oil, heating oil, and gasoline.

If he refuses to act, if he hides behind more reports and more studies, I think we can draw a very simple and stark conclusion. The voice of big oil speaks louder than the voice of the people in Washington. It is time the people know the truth about inflation, and who causes it.

Mr. President, I ask unanimous consent that the section of the "Second Inflation Alert" dealing with fuel and energy and the article from the Washington Post of December 2, entitled "Looking Into the Price of Oil," be printed in the RECORD.

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

[From Second Inflation Alert]

FUEL AND ENERGY

Prices of residual fuel oil and bituminous coal have risen further since the first Inflation Alert, although there are signs that the market is reaching equilibrium. The price of residual oil with maximum 1 percent sulfur content was quoted at $4.10 per barrel as of November 12, as against $3.25 the week of August 5, an increase of over 25 percent in three months. The price of bituminous coal rose 10 percent in October alone. Electric power rates at wholesale rose 1.8 percent in October, on top of their 1.7 percent increase in the third quarter, largely because of higher fuel costs. Over the period July to October about one-quarter of the total increase in the Wholesale Price Index was accounted for by the fuel and power component.

On November 11 a major oil company announced an increase in the price of crude oil of 25 cents per barrel, raising its posted price from $3.10 to $3.35. The following day the Director of the Office of Emergency Preparedness announced that there would be a Government investigation of this price increase, as required by existing regulations. This investigation will ascertain whether the

price increase was necessary to meet the national security objectives of the oil import program. Since then numerous firms have followed with similar increases. Gasoline prices at the wholesale level have also been raised. In the week ending November 17 the national average price of major-brand regular gasoline (excluding taxes) was 25.66¢ per gallon, up nearly 16 percent from the previous week. Since the retail gasoline market is highly competitive, this price increase may not hold.

These price increases come when petroleum inventories are at a level higher than is normal for this time of year. On November 6, stocks of crude oil in the region east of the Rockies were 4.7 million barrels, or 1.7 percent, greater than a year ago, and stocks in the State of Texas were about 9.7 million barrels (9.8 percent) higher than a year earlier. Stocks of motor gasoline, jet fuel, kerosene and distillate fuel oil were also higher than a year ago. The normal market tendency is, of course, for these heavy stocks to weaken prices. Through direct actions to curtail production, however, these normal market pressures were not allowed to prevail. Apparently in response to the high level of inventories, the Texas Railroad Commission has cut back the levels of production allowable in the State of Texas for December. This action would have the effect of reducing the supply of crude oil, thus relieving the downward pressure on price that high inventories normally create, and supporting the price increase. The reduction in the allowable reflected, the contention by one major oil company that its inventories were too large, yet this company was among those that posted an increase in the price of crude. The Louisiana Department of Conservation maintained its allowable factor for December at 75 percent, which would keep production well below capacity.

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LOOKING INTO THE PRICE OF OIL

(By Bernard D. Nossiter)

There is something irresistibly comic about the Nixon administration's new inquiry into increased oil prices. In effect, the government is solemnly asking itself whether curbs on the supply of a commodity have something to do with raising its price.

To motorists who have just been hit with a penny-a-gallon increase in gasoline the question may not seem so funny. But at least they can supply the answer that the White House Office of Emergency Preparedness and its Council of Economic Advisers are now professing to seek. Car owners have learned, like home owners who heat with oil, that, yes, the price of a product is determined by the point where effective supply meets effective demand.

The interesting thing about oil is that effective supply is cut off by an elaborate mechanism run by the government. Thus, if the government's inquiry into "the reasons for and consequences of the (oil price) increase" were serious—and knowledgeable authorities within the bureaucracy doubt that it is—that very same government could increase the supply and reduce prices by a few, simple strokes of Mr. Nixon's pen. The failure to do so will, it is estimated, leave consumers with an increase in their energy bills of about $1.5 billion.

Here is how the game is played:

Each month, the Interior Department's Bureau of Mines "forecasts" the demand for oil. The agency estimates how much oil will be consumed at the prevailing level of prices.

To make sure that this price level is maintained, regulatory agencies in the big oil producing states—chiefly Texas, Louisiana and Oklahoma—fix the amount that each well can produce. The regulatory agencies understand the first lesson in economics and thereby make sure that supply is tailored to support the desired price.

Back in the depression days, when this arrangement was threatened by producers whom circumstances drove to free enterprise, the federal government conveniently assured the authority of the state agencies. The Connally Hot Oil Act (named not for a recent Texas governor close to the industry but for a late Texas senator) prohibited the shipment from one state to another of oil produced in excess of the state limits.

This system helped increase the price of oil with considerable success until the 1950s. Then, imports of low-cost oil produced by the big companies in Venezuela and Saudi Arabia threatened to make life easier for consumers. So President Eisenhower, urged on by the Johnson-Rayburn Texas leadership in Congress, imposed quotas on foreign oil. He proclaimed an absolute limit on the oil that could be brought in, thereby once again restraining effective supply.

In recent months some new forces have been at work and they lie behind the companies' bold and successful bid to jack up prices another 25 cents a barrel.

The new Libyan government has cut back production in its fields, chiefly to get higher prices from its American concessionaires. Guerrillas have broken a big pipeline in Syria and it remains unrepaired. Thus, to meet Europe's demand for oil, the companies have had to scramble around for tankers to carry oil from the Middle East around Africa. Most tankers are either owned by or under long term charter to the big concerns. Perhaps only 10 per cent of the tonnage is available at any one time for "spot" or immediate charter. In economic parlance, this is a "thin" market and a small increase in tanker demand shoots up prices.

The sharp rise in "spot" tanker rates has had its effect here. Oil imported under the quotas on "spot" rather than long term charters has become terribly expensive. The cost of production, of course, hasn't changed. But the price of transporting the cheap oil has. The government's quotas allow daily imports of about 1.3 million barrels. But the temporary rise in tanker rates has left about 250,000 barrels of the quota unused. It is this "shortage" that lifts the price.

The shortage could be erased in a few weeks if the White House were so minded. There is plenty of oil in Canada and enough spare pipeline capacity, according to the experts, to bring in 200,000 more barrels a days. Thus, the President could raise the current quota on Canadian oil to fill the gap. Indeed, he could go even further and suspend the whole quota program. Some experts think that a strict reading of the law would require Mr. Nixon to do just that. They argue that Congress gave the President authority to fix quotas ostensibly to preserve "national security;" that he has determined that "national security" is precisely preserved by imports of 1.3 million barrels; that imports are less than this and that, therefore, "national security" can be restored only by scrapping the quotas and permitting imports to rise back nearer to the "national security" level.

Apart from Canadian oil, another 200,000 or so barrels a day can be found in the wells producing under federal lease off Louisiana and Texas. The Interior Department, traditionally a close ally of the industry, has decreed that these wells must produce no more than the Texas and Louisiana regulatory authorities allow. But the Justice Department has ruled that this is no more than Interior's whim. If Mr. Nixon calls the Interior Secretary on the telephone, supply from the federal offshore wells could be freed.

If the quotas were junked or suspended and the offshore wells emancipated from the government-imposed limits, it is likely that not only would the 25 cent increase be rolled back but the price of oil would come down even further. The two moves would and about 4 per cent to the oil available east of the Rockies—the area of shortage—and the added supply would meet demand, just as the textbooks say, at a lower price.

Indeed, just these steps have been urged by Sen. William Proxmire (D-Wis.) in a letter to Paul McCracken, chairman of the President's Council of Economic Advisers. Proxmire is head of the Joint Economic Committee whose staff presumably has a working knowledge of the first lesson in elementary economic texts.

There is still one more simple thing Mr. Nixon could do. The law permits him to suspend the Connally Hot Oil Act whenever he thinks it is a "burden" on commerce. To be sure, experts doubt that there are many believers in free enterprise in oil left in Texas or Louisiana. Anyway, there oil must flow through pipelines controlled by the big concerns. Finally, any maverick that did exceed the state production limits would probably run into hostile court orders granted to the oil-conscious governors of Texas and Louisiana.

But suspension of the act would spotlight the fact that the states are holding back nearly one million barrels daily in the name of conservation but in fact to preserve the price.

Officials close to the new administration inquiry doubt that the President will do any of these things. Oil producers have built up with care their network of controls to fix prices and regard the removal of any as a threat to their profits.

The inquiry itself is being run by Elmer Bennett, an assistant to the director of the Office of Emergency Preparedness. He is a former under secretary of Interior from the Eisenhower regime who then worked for tightening the new program cutting down imports. As far as can be determined, his current inquiry is something less than rigorous. He has not sent out questionnaires demanding data on prices, costs, supply and profits. Instead he has simply sent companies announcing increases a mild letter. It invites them to submit "pertinent information on gasoline and crude markets, any other factors which led to your pricing decisions, and any analysis you care to provide of the relationship to accomplishing the national security objectives . . ."

When the big companies get around to replying, they are expected to say that higher prices are a good thing (like oil depletion allowances, import quotas, treating foreign royalties as taxes) because they encourage the search for new sources of supply.

Oil specialists in government today fall into two classes. The optimists think that the mere fact that the White House has raised a question will persuade the powers in the industry—notably the Standard Oil Co. of New Jersey—to beat a prudent retreat and withdraw some of the increase. The pessimists think that nothing like this will happen, that the inquiry will perversely wind up exploiting the current rise in "spot" tanker rates and proclaim that cutting off imported supplies has no effect on domestic prices.

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## NOBEL PRIZE FOR PEACE AWARDED TO DR. NORMAN E. BORLAUG

Mr. MILLER. Mr. President, Americans in general and Iowans in particular were honored last month to have one of our native sons awarded the 1970 Nobel Prize for Peace.

The Peace Prize was awarded to Dr. Norman E. Borlaug, who was reared on an 80-acre farm near Cresco, in northeast Iowa. Dr. Borlaug has been a major force in the green revolution, a revolution not of guns and bullets but one of

peaceful promotion of more and better grains to feed the hungry of the world.

This prize honors both the man and a simple grain—and farmers everywhere as well. Dr. Borlaug credits his success to his farm upbringing and he is proud to be labeled a product of our American farming system.

Too little recognition is given the American farmer who has and is contributing so much to this Nation and to the world. Our farmers too frequently are blamed for every price rise in our grocery stores although they are, in fact, sharing very little, if at all, in that increase. It is too often forgotten that the consumers of our Nation have long benefited from the highest quality, lowest cost food and fiber of any nation in the world.

I think it is about time that our farmers receive the recognition they so richly deserve.

For this reason, I was pleased to see an editorial in the December issue of Farm Journal calling attention to some of the accomplishments of the American farmer. I wholeheartedly endorse the Journal's suggestion that the American farmer deserves an international peace and freedom award for his outstanding accomplishments.

I ask unanimous consent that that editorial, entitled "An Award for You," and an article about Dr. Borlaug from the same issue, entitled "The Wheat Breeder Who Won the Peace Prize," be printed in the RECORD.

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

AN AWARD FOR YOU

You and other American farmers can take pride in that Nobel Peace Prize that went to Dr. Norman E. Borlaug, former Iowa farm boy (see article, page 16).

Borlaug received the award for developing high-yielding wheats that have dramatically increased the food supply in countries such as Mexico, India and Pakistan. Due largely to his efforts, his Rockefeller team-mates and the native farmers themselves, India and other countries have been snatched from the brink of starvation.

This is a major contribution to peace—not just peace between countries—but to the peace within a country that comes from having adequate food. If the children and the poor have food, this adds immeasurably to the peaceful stability within a nation.

Borlaug credits his farm upbringing for his success and for having fired his personal mission to help other farmers around the world. "The thing that has meant the most to me is my early experience on a small farm of fewer than 100 acres in northeast Iowa," he tells FARM JOURNAL.

We applaud the decision to give the world's most distinguished peace award to a representative of agriculture—and we're proud to claim Dr. Borlaug as a product of our American farming system and farm community.

We think, too, that all American farmers merit more recognition for what they have done. We believe that you, and every other American farmer and farm family, deserve an appropriate International Peace and Freedom award for these outstanding accomplishments:

For producing the wheat and other food that warded off starvation in India and Pakistan through two years of disastrous crop failures—thus holding the line until Borlaug's new wheats could fill the breach.

For coming to the aid of the free, democratic world in two World Wars and for supplying the food to help our erstwhile enemies regain their feet with dignity and independence, exacting neither territory nor compensation in return.

For taking to new farming ideas with a zeal that is a source of amazement to foreign farm representatives who come here to study the phenomenon and endeavor to transplant it to other lands.

For sharing your farming know-how with one another—and with the world—in an unselfish manner.

For contributing your sons and daughters, your own talents, money and spirit to the Peace Corps, CROP, People-to-People programs and numerous private volunteer groups that help farmers overseas.

For helping develop and run our Land-Grant Universities and Agricultural Extension Services—which are models worldwide for disseminating practical information and developing new agricultural techniques.

For contributing, through heavy exports of low-priced food, more than your share to the U.S. balance-of-payments; thus giving the dollar an integrity it could not otherwise achieve as a world-wide currency which expedites trade and peaceful interchange between nations.

For demonstrating that private property, individual ownership and free markets are unequalled as a means of encouraging production for the satisfaction of man's needs and wants.

For "keeping your cool" when others, with no more provocation, have vowed to dismantle with force democratic institutions designed, through generations of experience, for peaceful change.

For burnishing the democratic reputation of this nation by continuing to make local government work in thousands of townships, counties, school districts and other local government institutions.

For living with Nature, respecting it, and preserving the environment now and for future generations in a manner that is becoming fashionable in other circles.

For increasing your productivity and output faster than any other major economic group—thus cooling the forces of inflation in this nation and contributing to the economic stability of the world.

For supplying the rural countryside with a stabilizing bedrock of social values that has a steadying, healthy influence on the nation during a period of wrenching social upheaval.

For participating in volunteer farm organizations, putting up your own money and running your organizations from the grass-roots in a strong demonstration of self-help.

For providing bountiful food at the lowest relative cost and smallest farm labor force anywhere, thus supplying the foundation that makes this nation a bastion of economic strength capable of aiding distressed people in other lands.

For being advocates of freedom for mankind and for upholding dignity of man.

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THE WHEAT BREEDER WHO WON THE PEACE PRIZE

(By Carroll P. Streeter)

You'd like "Norm" Borlaug, as everybody calls him. He was raised on an 80-acre farm in northeast Iowa where his Norweigian family had to scramble for a living. He milked his dad's few scrawny cows before school (and to this day, doesn't like dairy cows—or the water buffaloes of India, either).

His vo-ag teacher was also assistant wrestling coach and got Norm to go to the University of Minnesota to try for the wrestling team there. Norm—slim of hips, quick, always carrying the bout to his adversary—became a Big Ten winner in the 145-lb. class.

He is a wrestler yet, taking on his 23-year-old son (who can now throw him. Norm is 56). He still carries his maroon wrestling tights in his suitcase. He was the only one who stayed warm one night when a party of us visited a spring wheat station in the Himalaya mountains of northern India.

Because he believes in teaching boys how to compete, he organized Little League baseball and leagues for older boys in Mexico City and still coaches a team. "Sports teach boys how to win, how to lose and get up and try again, and how never to quit," he says. And he believes in this for scientists, too.

Borlaug got his bachelor's degree in forestry (his Ph. D. in plant pathology) and for three years was a practicing forester. When he travels around the world today, he pays almost as much attention to the trees as to the wheat.

In 1944 Borlaug went to Mexico as the Rockefeller Foundation wheat man. He has been headquartered there ever since, and for the last five years has been director of the wheat program of CIMMYT, the international agency for the improvement of wheat and corn around the world. CIMMYT is jointly supported by the Rockefeller and Ford Foundations as well as our State Department's Agency for International Development.

The tale of how the "green revolution" happened in the irrigated plains of northern India and in Pakistan—the feat which was largely the basis for the Nobel Prize—reads almost like a detective story.

It really began in 1946 when S. C. Salmon, a scientist assigned to General Douglas MacArthur's Occupation Army in Japan, noticed some curious dwarf wheat—the so-called Norins. When he came back to the United States, he brought seed of five kinds with him.

As reported in the July 1969 FARM JOURNAL, Orville A. Vogel, USDA–ARS scientist stationed at Washington State University, used some of these to produce the famous semi-dwarf wheats of the Pacific Northwest, one of which, *Gaines*, has yielded 216 bu. per acre—a world record.

Borlaug got some of Salmon's and Vogel's shorty wheats, but when he tried to grow them near Mexico City, he lost them to rust. Didn't harvest a thing!

Fortunately, he had saved a few kernels of each, which he took to his test plots at Obregon on the west coast of Mexico. There they grew and "we crossed them with everything we had," he says. After several years and thousands of other crosses, Borlaug's team of scientists got semi-dwarf wheats that would grow well in India and West Pakistan.

Then came the break that Borlaug and his coworkers had been hoping for. In 1965 the governments of India and Pakistan, impressed by the new shorty wheats, sent orders to Mexico for 200 and 250 tons of seed, respectively. Borlaug hustled to round it up—the last ship that could reach India in time for the sowing season was already waiting in the Los Angeles harbor.

All went well until the trucks reached Los Angeles. There they were held up for two days by the riots in Watts. When they finally got through, the wheat couldn't be put on ship because three words were misspelled in the letter of credit.

"To hell with that!" Borlaug shouted into the telephone. "Get it on board and I'll straighten that out somehow." The wheat was hurried onto the ship and it promptly sailed out of the harbor.

While the cargo was in mid-ocean, war broke out between India and Pakistan so the seed was put on separate ships at Singapore, bound for Bombay and Karachi. When planted, it made only half a crop because the trip had damaged the seeds and germination was poor.

Even so, it was far better than anything India had ever seen, so next year the Indian government took a colossal gamble and or-

dered 18,000 tons more of the Mexican wheat—largest seed order ever placed anywhere in the world up to that time.

The Indian plant breeders, agronomists and farmers have taken it from there. In place of the 10 to 12 bu. an acre that Indian farmers were getting less than 10 years ago, yields in northern India now average 60 to 70 and sometimes reach 100 bu. an acre. Which, for spring wheat, is going some.

The semi-dwarf wheats are also revolutionizing wheat farming in other countries—West Pakistan, Nepal, Afghanistan, Iran, Turkey, Tunisia and Morocco. Some shorty wheats from Mexico have come north into parts of the southwestern United States.

But developing new varieties, which gets all the publicity, may not be the most important thing Borlaug and his associates have done. He is proudest of the wheat specialists from around the world he has helped train. Every year, the Foundation brings 20 to 30 young scientists to CIMMYT for a seven-month "crash course" in not only how to breed and select wheat, but how to grow it. Many of the top agronomists in the underdeveloped countries of the world are alumni of Borlaug's training program.

"We deliberately put these fellows through hard, dirty work in the field and keep them out there in 100-degree heat," he explains. "In the first place, that's where they'll learn something. In the second place, we want to toughen them up. They'll have to be tough to survive back home."

Wearing a faded little blue cap, which he must have had for years, he gets out and sweats with them. He believes, literally, in sweat, and he doesn't call it perspiration. "Plants will talk to you if you'll listen," he says, "but they won't shout. You'll never hear them if you stay in an air-conditioned office."

Air-conditioning "damned paper work," bureaucrats and "scientists who want to play everything safe" are four of the things in this world which he scorns most. And it's hard to say in what order he would put them.

When the Rockefeller Foundation's New York office once prodded him for an overdue report, he shot back: "What do you want, paper work or bread?"

As for bureaucrats, he thinks little ones are bad enough. Some do useful work, but many just keep things from getting done.

Concerning scientists: "Too many," he thinks, "especially in the agricultural colleges," are afraid to risk their reputations and chances for promotion by recommending something new. "It's safer to write another paper for a scientific journal." (On the other hand, he thinks there are some mighty good ones. "You can do a lot where there isn't too much ivy on the walls and too much moss on the people.")

"We've got to try for big breakthroughs," he declares. "Farmers in under-developed countries won't pay attention to a 15% gain in yield. You've got to give them 100%. Maybe 200%." (In India, the shorty wheats, together with fertilizers, gave them 700%.)

"In the race between food and exploding population it's late in the game. At the moment we have a time-out. Agricultural scientists have bought these countries maybe 10 to 20 years' time. In the face of what's happening to population, that's only a few seconds."

When Borlaug received the Nobel Prize, he was surprised and, of course, pleased. It carried with it world-wide honor and $78,000. But he isn't stopping to bask in it.

Norm Borlaug is impatient. He knows well enough that the much-heralded "green revolution," while it has staved off the threat of mass starvation in India for the present, is largely confined to the irrigated parts of the country, and to only one-fourth of India's farmers. Three-fourths must farm on whatever rain may fall. What he is trying to tell the world is that we should push forward on a crash basis. Not just for calories, but for protein.

## IS PUBLIC OFFICE ONLY FOR THE WEALTHY?

Mr. SYMINGTON. Mr. President, a thoughtful and constructive editorial entitled "A Veto Stands," published in the St. Louis Post-Dispatch of Sunday, November 29, will be of interest to every Senator, regardless of party; therefore I ask unanimous consent that the editorial be printed in the RECORD.

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

A VETO STANDS

President Nixon vetoed the bill to limit television and radio broadcasting expenditures by political candidates more than two weeks before the Nov. 3 elections. Between his veto and the balloting, the need for the legislation became even clearer than before, as last-minute TV blitzes were tried all over the country.

So it is a bit difficult to understand the failure of the Senate to override the veto even though a vote of two-thirds of Senators present was required. It is mildly encouraging that the vote fell only four short of the necessary majority—58 to override and 34 to sustain. Mr. Nixon said he vetoed the bill because it discriminated against radio and television; he promised to co-operate in writing legislation covering a wider field.

The vetoed bill may not have been perfect, but it did strike at a situation that gives candidates with heavy financial backing a decided advantage. Television is so potent a sales medium that a person who can dominate it in the closing days of a campaign has an excellent chance of selling himself to the voters; a candidate without funds is out of luck. It just so happens that Republicans generally have more money to spend than Democrats, which accounts for Mr. Nixon's partisan veto.

We doubt whether partisanship can be avoided in this issue, but more than that is involved. A Gallup survey shows that eight in 10 Americans favor a law limiting the amount that can be spent by or for a candidate. The danger is that public office will fall to a wealthy elite, with all that would mean to democracy.

The bill Mr. Nixon vetoed would have been effective for the 1972 elections and we think Senators, particularly Republicans, now have an obligation to pass a strong bill in time to apply to the presidential elections two years hence. A way must be found to stop what could amount to the purchase of political office.

## DOWNWARD TREND IN U.S. AIRCRAFT INDUSTRY

Mr. GOLDWATER. Mr. President, I am deeply concerned about the recent downward trend in the Nation's aircraft industry. We have led the world for many years in building superior aircraft for military, commercial, and general aviation. The great strength of this important industry is now being dissipated. The world-leading aircraft industry—that struggled through the depression years—that came of age during World War II—that gave birth to the jet age during the 1950's—that fostered the remarkable, the fantastic achievements in the space age of the sixties—is now faced with military cutbacks, space program curtailment, and slowdown of commercial aircraft orders. Employment has dropped nearly 15 percent in the last 2 years.

Now, with the aircraft industry facing difficult times ahead, there are some who would destroy the most important advancement in commercial aviation since the introduction of jet airliners. I am speaking of the SST, a program that was carefully planned, that has proceeded with due consideration and caution every step of the way. It has been reviewed and approved by three Presidents, 24 congressional committees, and numerous House and Senate debates since 1961. It has passed these tests with flying colors each time. I see no new reasons to stop at this time and surrender to the critics of this vital program. It would be incomprehensible to me to throw away all the good work that has been done for the sake of some bad reasons that opponents of the program have been promoting.

I have studied the SST program carefully. I have reviewed the pros and cons. I have listened to the unsubstantiated theories, the half-truths, the distortions of facts by some critics who appear to be carried away by emotions. In this year of the environment there have been many scare stories expounded, calculated to frighten the masses. Stories of permanent overcasts, of new ice ages, of destroying the protective layer of ozone in the stratosphere so that life on earth would cease. Or of stampeding cattle, shattering windows, interrupting the love life of minks. I am certain that these preposterous fabrications will not happen. However, some of these charges, ridiculous as they may seem, have caused undue concern by the unsuspecting public.

One charge, more mundane but perhaps less understood, is that the Government has no business paying for a program that will benefit the airlines. Opponents say that if the SST is as good as the proponents claim, then why does not the commercial community pay for its development? They innocently ask, why should the taxpayers foot the bill for an airplane that "very few people will ever use?" Let me answer these questions. There are some very sound, substantial answers.

First, the Government has a proper charter to foster advancements in transportation. The Government has been doing this since the early years of our country. We built canals, coastal waterways, railroads, ships, highways and the most advanced, safest airways and airport systems in the world, largely with Government backing. I cannot understand why suddenly opponents of the SST single out this important program to criticize Government support; in fact, managers of urban transportation, STOL, air cushion vehicles, and other new developments in transportation are observing the lessons learned by the SST managers. They see a number of features that may be applicable to future systems.

For instance, the cost of developing a highly technical, sophisticated system

may be too great for one company to handle. This is the case of the SST. The development costs, $1.6 billion total for the Government and industry shares, are twice the size of the total plant assets of the Boeing Co. The risks involved in building the first prototype of a new concept are just too great for any one company to absorb. The French and British recognized this fact with the fully government funded the Concorde program. In this case, it took the combined strength of two countries to promote their supersonic transport. For future transportation systems other than the SST, even with the great free enterprise system of our country, the Government will probably have to step in and help to absorb the risks and the costs of the initial development of major advancements.

Another reason for Government assistance in financing the SST is the long dry spell between expenditure of funds for development to the time of recoupment on production sales. The SST represents an 18-year program from its start in 1960 to the time when airlines will be flying passengers from New York to Paris in 2½ hours. Stockholders do not want to wait that long to see a return on their investments. So the Government must help to finance the development of a nationally important program, and under the terms of the contract the Government will be paid back its investment plus interest when production models are sold.

This brings me to my second point: that is, why taxpayers should foot the bill for an airplane that "very few people will ever use." Let me first correct one misapprehension. Traffic forecasts indicate that as many people will be flying in SST's in 1985 as are flying in the total flights of the whole free world's airliners today. That amounts to 40 million people, which in my estimation is a lot more than a few. Further, the people who do not fly in SST's will also benefit from them indirectly. All Americans will benefit from having a strong aircraft industry, an industry whose product is among the very top export commodities of the country. Last year we exported $2.9 billion more aircraft and aircraft equipment than we imported. This healthy trade balance helps everyone. And the SST is the focal point of the future commercial aircraft product line. It will be the pace setter. If we falter on the SST, rest assured other portions of the aircraft industry will suffer. Last year we imported $1.4 billion more in foreign automobiles than we exported. We must not let this happen to our aircraft industry. We must not give up to the Europeans by defaulting on the SST program.

I shall make one more point on why the Government is involved in the SST program. It is really quite simple. The Government has been involved in most of the significant air transportation advancements. Since World War II the DC–6 and the Constellation were brought along as the result of military procurement programs. The Boeing 707 was developed after the Air Force spent about $2 billion on the B–52. The lessons learned from the KC–135, the subsystems, advanced materials, highly efficient swept wing, control systems—many other military sponsored developments directly assisted the development of jet airliners. Even the 747 development was assisted by the work done by Boeing while competing for the C–5 program.

Now it appears that commercial and military aircraft are following somewhat different approaches and surely the military will gain from the SST developments. But the point still remains: most commercial aircraft advancements have been assisted by Government funding. It follows that it is perfectly proper for the Government to support the SST. In fact, I am convinced that it is vital to the Government to have this important program go forward.

We must continue to keep our strong leadership in world aviation, and the SST is a keystone of the future.

## MILITARY INTELLIGENCE

Mr. KENNEDY. Mr. President, the apparently ludicrous and paranoid feeling on the part of young Americans that they are being watched, "tapped," and followed by Government investigators may not be as far fetched as we like to think. Last night, the NBC television show, "First Tuesday," documented a shameful and shocking pattern of investigation and intrigue by U.S. military intelligence agents that flagrantly violates our heritage as a free people.

Military agents in unmarked cars dressed as plainclothesmen reporting the progress of the funeral cortege for the late Dr. Martin Luther King, Jr., in April 1968.

Military intelligence agents urged to infiltrate antiwar organizations, peace protests and other groups legitimately seeking to express their dissent with their Government's Vietnam policy.

Military intelligence agents scanning photos of rallies, memorial services, and other expressions of dissent and then labeling and cataloging all recognizable participants for files whose end use remains highly questionable.

Military intelligence agents urged to use money, liquor or marijuana where necessary to promote the free flow of information concerning names, plans and activities of the antiwar movement during the counter-inaugural in January 1969.

Military intelligence agents taking down the license numbers of all cars that ferried people or food to the gathering place at the tomb of Martin Luther King Jr., in Atlanta, Ga., where marchers stopped briefly in 1968 during the Poor Peoples Campaign.

These actions allegedly ordered by the Department of Defense, paid for by that Department and ultimately by the American taxpayer would appear to contradict the traditional exclusion of the military from our internal political affairs.

Thousands of files, microfilm, electronic walkie-talkies—all of the paraphernalia spies usually employ against an enemy—have been and continue to be used by our Government in what can only be seen as a dangerous threat to American civil liberties.

I want to commend NBC, Sander Vanocur, Tom Pettit, and the other reporters and staff who prepared the segment of "First Tuesday," outlining publicly for this Nation the extent of the military intrusion into our normal lives. I hope that the hearings we are planning in the Constitutional Rights Subcommittee under the chairmanship of the distinguished Senator from North Carolina will produce legislation to strictly limit these military forays into civilian political life.

There can be no free expression, no free association when these restraints are raised against citizens who would speak their point of view. The continued existence of those files at Fort Holabird and the microfilm copies of those files—files on thousands of individuals, whose names and faces are cataloged because they may have had the audacity to walk in a protest march, to sign a petition or to attend a rally—remains like the sword of Damocles hanging over this Nation's civil liberties.

Mr. President, although many of us were aware of the existence of this activity through news stories that appeared at the beginning of the year, and through the work of the Senator from North Carolina (Mr. ERVIN) I believe the "First Tuesday" television show last night for the first time outlines the extent of the military invasion into the privacy of the American citizen. I look forward to the hearings planned by Senator ERVIN to offer the basis for immediate corrective legislation.

Additional information regarding these activities has been reported today in the Washington Evening Star. I ask unanimous consent that the article entitled "Military Agents Used at 1968 Convention" be printed in the RECORD.

The article as well as the television show states that electronic surveillance was carried out during the course of these military operations. I have requested the Secretary of Defense to furnish information concerning when, and under what authority such activities were conducted. I ask unanimous consent that my letter to the Secretary be printed in the RECORD.

Perhaps the most serious allegation of the article refers to the presence and roles of military intelligence agents during the national political conventions in 1968. The threat to our democratic system contained in the involvement of military intelligence agents in the democratic political process must be clearly understood. I hope that our upcoming hearings will fully explore the entire decisionmaking process that prompted the military to send undercover agents to carry out intelligence activities during national political conventions, peaceful protests, and civil rights events.

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

[From the Washington Star, Dec. 2, 1970]

MILITARY AGENTS USED AT 1968 CONVENTIONS

(By Jared Stout)

Plainclothes military intelligence agents played a questionable—and still secret—surveillance role at the 1968 national conventions that brought them in close contact

with the process of nominating presidential candidates.

An investigation of the Pentagon's little-known but extensive watch kept on civilian dissidents has determined:

A unit of the top-secret Army Security Agency (ASA), normally assigned only to national security communications and foreign electronic surveillance, was deployed in Chicago during the strife-ridden Democratic meeting. The unit reportedly eavesdropped on political headquarters, including that of Sen. Eugene J. McCarthy, D-Minn., as well as protesters.

MINGLED ON FLOORS

Agents of Army, Navy and Air Force military intelligence units mingled on the floors of both the Democratic convention and the Republican convention in Miami Beach with unsuspecting delegates. Their mission was to help the Secret Service guard presidential candidates. But in the opinion of former Atty. Gen. Ramsey Clark, this was a "very unwise use" of military agents in two exclusively civilian political arenas.

Convention leaders and such party officials as the then national chairmen, Democrat John M. Bailey and the GOP's Ray C. Bliss, were never informed of the presence of military agents in their midst. Nor were they made aware of the extent and purpose of the ASA's electronic surveillance activities.

DETAILED REPORTS

Although the secret service denied the military agents were given any orders to spy, each intelligence unit filed detailed reports on what their agents had seen and heard during both conventions. These reports, according to former intelligence analysts, included the identities of persons deemed worthy of watching.

Ramsey Clark, Joseph A. Califano, who was then a top assistant of President Johnson, and Clark M. Clifford, secretary of defense at that time, all said they knew of no orders sending the ASA unit to Chicago.

Under a June 30, 1955, executive order, Clark was required to approve all federal electronic surveillance. But Clark said he gave no such approval to any federal agency, including the military, and turned down repeated requests from the FBI.

EXPLANATION BARRED

How the ASA was sent to Chicago and what plainclothes Pentagon agents did other than guard candidates presently is hidden behind official refusals of the Secret Service and the Department of Defense to go back into security operations at the convention.

One explanation of the Pentagon's sensitivity is the already documented extraordinary use of military agents to keep track of political dissenters. The Army, for example, assigned 1,000 intelligence agents starting in 1965 to this domestic role without informing its civilian bosses.

Indeed, former Defense Secretary Clifford was among those who said recently "I didn't know anything about that." One of Clifford's top Army deputies, who asked not to be identified, said he was unaware of the Army's domestic intelligence apparatus until the fall of 1968.

FIRED OFF MEMO

This deputy, when he did learn of it, said he fired off a memo to his uniformed subordinates saying, "If we're in the domestic intelligence business, we shouldn't be. Get out of it."

The Army's widespread surveillance of civilians—and similar watches by Navy and Air Force units—was under way when the conventions met. This activity was curtailed after the Army's computerized dossier of political dissenters was disclosed publicly in January.

The dossiers included high-ranking retired military officers and elected officials opposed to the Vietnam war.

Currently, the extent of domestic intelligence relating to radical politics and crime are under investigation by Sen. J. Ervin, D-N.C., and his Constitutional Rights subcommittee.

HEARINGS SCHEDULED

The military and the Secret Service are both expected to be called to account for their intelligence operations at subcommittee hearings scheduled for early 1971. Ervin's concern is the impact of these practices on individual privacy, politics and lawful dissent.

As for Pentagon activities, Ervin has said that under this nation's laws and the tradition of democratic rule, "there is no place in our society for the military to keep watch on civilians."

As for the Secret Service, Ervin is concerned the presidential protectors may have overstepped their congressional mandate to also guard presidential candidates by drawing too heavily on military intelligence.

SECRET SERVICE REQUEST

Secret Service spokesman John W. Warner said agents were borrowed from the military because the service had been handed the job of protecting presidential candidates after the June 5, 1968, assassination of Sen. Robert F. Kennedy—and didn't have enough men of its own. The Secret Service at that time had 500 agents.

Acknowledging the Secret Service deployed military agents on the floor at Chicago and Miami Beach, Warner said, "Their presence related only to the security of candidates. They were under our control and filed no 'intelligence' reports to us."

Warner said the borrowed agents had no time to "even take notes if they wanted to. They had their hands full with the security job."

PENTAGON-BASED AGENTS

But Warner could not explain, for example, the Chicago floor duties of three Pentagon-based agents of the Army's Counter-Intelligence Analysis Division (CIAD), one of whom sat near the Illinois delegations unknown even to convention chairman Rep. Carl Albert, D-Okla.

It was learned none of the CIAD men were assigned to candidate security. Their presence was outside the narrow authority Warner cited to justify the military role on the floor. They appeared to have been functioning as observers, but it could not be determined for whom.

The CIAD men could not be connected, for example, with either the 113th Military Intelligence Group (MIG), whose members did candidate security work, or the 5th Military Intelligence Detachment from Ft. Carson, Colo.

DATA FOR TROOPS

The detachment provided data for federal troops on riot stand-by outside Chicago who were from the Carson-based 5th Mechanized Infantry Division.

Warner's explanation also did not cover the assignments of agents like Richard Schaller, a naval intelligence analyst who testified in November 1969 at the "Chicago Seven" trial.

He tape-recorded protest speeches in Chicago's Grant and Lincoln parks during the convention and filed reports on what he observed.

Schaller said he had Secret Service orders to report on the activities of any group or person who may constitute a threat to a candidate. His reports, which were "not required" according to Warner, including the names of protesters and protest groups, Schaller said.

SHARING SYSTEM

There were other conflicts with Warner's description of the military role on the matter of reporting requirements. Since December 1965, the Defense Department and Secret Service have been systematically sharing intelligence related to presidential protection and whatever military agents saw would have been available to the Secret Service.

Moreover, reports filed by agents like Schaller were available to Secret Service, other federal and local law enforcement agencies through the command post they shared in the basement of the international amphitheatre where the Democrats met in Chicago.

In Miami Beach, a similar sharing of intelligence data was organized. Included in the military complement there was the 111th Military Intelligence Group (MIG) whose members worked convention posts until they were sent into nearby Liberty City, Fla. when racial violence flared.

"WE DON'T KNOW"

Warner flatly denied any knowledge of eavesdropping by anyone. He insisted the ASA "did not assist us" in Chicago where, as in Miami Beach, the Secret Service checked candidate headquarters and rooms to assure they were not rigged for illicit eavesdropping.

"We don't know anything about that," Warner said when asked about the ASA presence. Army spokesman Lt. Col. Harry A. Heath said only, "We cannot identify any such activity or unit." Both men refused to discuss details of their operation or ASA involvement any further.

"Hell no, we don't disclose such information to anyone on the outside," Warner said when asked why party leaders weren't told of the military agents among the delegates. He said this protected the integrity of his agency's security plans.

REFERRED TO PENTAGON

Warner declined to answer all questions about the numbers of military agents or the nature of the uints from which they came. He referred the inquiries to the Pentagon. "You'll just have to ask them about those things," he said.

But the Pentagon refused requests to interview the chief lawyer and intelligence chief of the Army, Air Force and Navy. Col. Heath said for the Army general counsel, Robert A. Jordan, for example: "Mr. Jordan does not wish to grant an interview on this subject at this time."

As for Major Gen. Joseph A. McChristian, assistant chief of staff for Army intelligence, Heath said, "We're trying to keep Gen. McChristian out of the interview business these days." He gave no further explanation of the general's unavailability.

NO OFFICIAL ANSWER

The refusals left without the official answer the questions surrounding the scope of military surveillance at both conventions, and under whose authority the Army security agency was operating in the Chicago area.

The ASA is a separate Army command that reports directly to the service's civilian headquarters. Its prime function is the gathering of foreign intelligence by electronic means for the National Security Agency (NSA) and maintaining the security of the Army's worldwide communications network.

The unexplained presence of the ASA in Chicago was first disclosed by SP. 4 Ronald E. Weber. Until September 1969, when he deserted to Canada, he was a visual aids clerk in the secret confines of the ASA's Arlington, Va., headquarters.

Weber's job involved preparing maps and charts for secret briefings and he told newsmen in July that, weeks before the Chicago convention, the ASA planned to move a reconnaissance company from Texas to Chicago.

The company was in place and listening a week before the convention, Weber said. The electronics men were operating from storefronts, rooms and were touring the city in unmarked vans to do the job, he said.

According to Weber, the unit's electronics experts were "listening all day and all night" to radio frequencies, police radio, "certain telephone communications" and short-wave radio bands. Their hope was to learn the plans of protesters.

When trouble started in Chicago, Weber said the ASA experts "received and threw back to us in Washington read-outs on what was going on." As he stood duty in the ASA war room, one Chicago message in particular caught Weber's eye.

"One report was actually a read-out correlation of these different reports as to a by-play between some of Sen. McCarthy's workers, and actually an intercept recorded message to Senator McCarthy himself," Weber said.

Sen. McCarthy, when queried about this, said he was unaware of an intercept, but, "we just sort of assumed it (eavesdropping) was going on."

Weber said the intercepted messages concerned medical aid for protesters who, during the Chicago turmoil, used the McCarthy hotel rooms for a makeshift aid station. The rooms were checked and declared free of listening devices by Secret Service, McCarthy said.

Weber said the intercepted messages, including the McCarthy report and others, were classified by the ASA and "became compartmented," jargon for a top-security classification that makes a document available only to persons on a list accompanying it.

None of the flood of material Weber said he saw coming in from ASA in Chicago ever went back for use by riot-ready troops there, which added further to the mystery of why it was gathered. It all went to the Pentagon, he said. "I never saw it again."

Weber's placement of the ASA in Chicago was confirmed by two other sources, first by one of his former supervisors and then by a former Secret Service agent familiar with the Chicago convention security. Neither man would permit the use of his name.

The supervisor said the ASA was there but declined to elaborate on its role. "That's classified and I could get 10 years and $20,000 if I talked," he said. But he said Weber had both access to the reports he cited and was accurate in his recollections.

SOURCE UNKNOWN

The former Secret Service man knew nothing of Weber personally. But he insisted Weber's version of ASA's role was incorrect. The ex-agent said, "The ASA was there (in Chicago) to help the Secret Service protect against the use of electronic surveillance against candidates."

The agent did not know who had given the order sending ASA to Chicago, or what authority had been used. But he believed his former superiors had, despite denials, asked for and received the aid of ASA expertise. "The service has used their experts for some time," he said.

But neither this agent nor a fellow investigator from another branch of the Treasury Department could say whether the ASA activities were a part of other governmental eaves-dropping in Chicago, which they said was "common knowledge to many of us."

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DECEMBER 2, 1970.

Hon. MELVIN LAIRD,
*Secretary of Defense,*
*Washington, D.C.*

DEAR MR. SECRETARY: Last night the "First Tuesday" reported military intelligence investigations carried on over the past several years into a variety of anti-war and civil rights activities. I am concerned about the threats to the rights of American citizens to engage in peaceful protest as guaranteed by the Constitution.

I would particularly appreciate learning if the intelligence units of the Army, Navy or Air Force carried out any electronic surveillance during the course of these intelligence activities. If such surveillance was used, I would appreciate knowing when and under what authority. Was the Attorney General ever informed of such activities?

I also would appreciate learning if the military intelligence units had access to information obtained through electronic surveillance by other government agencies.

Thank you for your attention.

Sincerely,

EDWARD M. KENNEDY.

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## THE SON TAY PRISONERS-OF-WAR RAID

Mr. GURNEY. Mr. President, I have been very much distressed by the wave of criticism that has followed the disclosure of attempts by our Government to recover and release American prisoners of war held in captivity by the North Vietnamese. I speak of criticism in the press, in our committees, and in this Chamber.

The Washington Post editorialized about the Son Tay mission:

> Contrary to a statement by Secretary Laird, the raid at Son Tay may not even be the first attempt that failed. It is, however, the first attempt to turn a failure into an attribute, to argue that such a fiasco somehow demonstrates at last that the country cares about its prisoners, and to suggest that there is something unique about this administration's concern . . .

Well, there are several things to be said about this, and the first is, of course, that the Nixon administration has nothing—and perhaps somewhat less than nothing—to show for its display of concern.

That is a very harsh criticism and, in my judgment, it is a very unfair criticism.

The raid was not a "fiasco." There was nothing comical or laughable about it. It was not a joke, as some of the members of the audience at the Foreign Relations Committee perceived it. To my way of thinking, it was a bold courageous strike. It was executed with precision, verve, and daring. Since the summer, volunteers have been specially trained for this mission at Eglin Air Force Base, in Florida, and at other bases around the country, the camp at Son Tay was only about 23 miles west of Hanoi. The force came undetected through one of the most sophisticated radar protective systems in existence, and came unscathed through an area as heavily protected by antiaircraft missiles as any spot on the face of the earth. The men landed, attacked the installation, and pulled out without losing a man.

To be sure, the mission was abortive: the American POW's we expected to free at Son Tay had been moved. We found the site deserted. We did not gain what we had hoped to gain: the release of our men.

The mission was far from being a "fiasco," as the Washington Post would have us believe. The attempt to rescue our men was fully justified. We should have done it. It was not a "hairbrained scheme" or a "John Wayne" scenario: it was a rational and a brave effort to do a good thing—effect the release of some of our prisoners of war.

Throughout this long and tragic war, we have continually listened to the advice and heeded the counsel of the domestic critics of the war.

We were told that if only we ceased the bombing of North Vietnam, peace would follow as day follows night. Beginning in March 1968, we ceased the bombing of the north. Peace has not come.

We were told that if only we could get the South Vietnamese to agree to meet with North Vietnam and the National Liberation Front—NLF—and Vietcong, peace would come. South Vietnam has agreed. Peace has not come.

We were told that if only formal negotiations could be started, peace would follow. We have been engaged in formal negotiation with the North Vietnamese and the NLF in Paris for more than 2 years. Peace, as we know, has not come.

We were told that if we could get agreement for free elections in South Vietnam, where the NLF could participate, peace would immediately follow. We have such an offer on the table at Paris, and peace has not come.

As the American participation in the fighting in Vietnam has diminished, the demands of the critics of the war have escalated.

One by one, the demands of the critics of the war have been met, and at each stage the North Vietnamese have remained intransigent. Each new concession by the South Vietnamese and by our Government has been rebuffed by Hanoi. The promises of the critics of the war have proven all too hollow. And now we have the ultimate demand: Complete and immediate unilateral withdrawal by the United States. On this, the domestic critics and the government of Hanoi seem to be agreed.

Mr. President, I think I understand the frustration and the irritation of the American people with this tragic war. What I do not understand is the notion advanced by large segments of the American intellectual community and by the domestic critics of the war, in and out of the Senate, that the fault for the continuation of the war rests entirely and exclusively with the United States. The fault does not lie with the United States. The responsibility for the continuation of the war rests with Hanoi. We have made, over a period of years, enormous concessions—first to bring Hanoi to the bargaining table and then in our attempts to get Hanoi off center. Our hope was to encourage meaningful negotiations. We can all agree that the Paris talks have been anything but meaningful. They are in fact a quagmire into which we have voluntarily proceeded.

Recognizing that the North Vietnamese have stalled these talks and intend in all probability to continue to stall, the administration has sought by the Vietnamization process and by troop withdrawals to extricate American men from the fighting in Vietnam. Given the situation as it exists, I support that course. But, again, I repeat that I reject the notion that America is to blame for the continuation of the war. We are not. We are trying to end it.

We have listened to the critics of the war, and they have misled us. What they so glibly promised has not come to pass. The critics have proven to be very bad

critics, very poor prophets. I would be the first to own up to the blunders we as a nation committed in Southeast Asia—they have been many and they have been serious. The critics of the war have no such humility. When their proposals for ending the war have successively proved to be wrong, they have not acknowledged error. Instead, they have pressed ahead, urging greater and greater concessions, retreat after retreat, all the while proclaiming their own infallibility. They are wrong, Mr. President; they have demonstrated again and again the weakness of their prophetic powers. And now they seek to ridicule and poke fun at the most recent attempt to rescue our own men.

Since the war began, we have recovered only nine of the Americans taken prisoner. God only knows how many Americans are in Hanoi's hands. We have, as Secretary Laird mentioned in his testimony yesterday, offered to exchange more than 35,000 Vietcong and North Vietnamese prisoners in our custody for the approximately 3,000 American and South Vietnamese prisoners we think are being held by Hanoi. It is as Secretary Laird said, a fair and honorable offer. It was been rebuffed as we all know. Is it sinful or stupid to try to effect the release of some of these captives as we did at Son Tay? Of course it is not.

As Secretary Laird said yesterday:

> If this country is willing to abandon its men to death and captivity, we have truly lost our national morality.

That is not a pietistic piece of nonsense: That is a simple and elementary truth. This mission, taken in its entirety, owning up to its risks, its failure, its implications, deserves our praise, not our scorn.

## TIMOTHY BLECK

Mr. EAGLETON. Mr. President, I wish to pay tribute to Timothy Bleck, a fine person and a good friend, who died unexpectedly on November 14, 1970.

It is always a tragedy when a good man dies, for something worthwhile has been taken from the world. But the death of Tim Bleck was doubly tragic because he was only 30 years old, and the high promise of his future, which was quite obvious to all who knew him, will never be fulfilled.

It is also tragic that his three children, who are quite young, will never have the opportunity of knowing their father as they grow up, for he was bright, and kind, and generous, and above all he was genuine.

Tim cared, and the fact that he did was evident in his work. He had been a Washington correspondent for the St. Louis Post-Dispatch for nearly 2 years before his death. He worked before that for the Post-Dispatch in St. Louis, and before that for newspapers in Ohio. His fields were civil rights and the peace movement.

Human rights, peace, and life—these were the things he was most concerned with, not only professionally but also personally. His sensitivity gave to his stories an added meaning and dimension. He could reveal our often woeful shortcomings in delivering the promises of this Land of Promise in a way that made you cry out for change, and he could write about the hopeful developments in a way that made you feel proud no matter how gloomy your day had been otherwise.

His death was a terrible shock. While we all knew he had hepatitis, we had all thought he was going to get well. It is such a shame, such a waste that he did not. He was rising with well-deserved speed in the journalism profession. He would have made his mark, for he had much to offer. His death is a loss not only to his family and friends, but to all of us in this body, whose work he sometimes covered, as well.

## PROBLEMS CONFRONTING COPPER INDUSTRY

Mr. GOLDWATER. Mr. President, recently George Munroe, president of Phelps Dodge Corp., whose large mines are in Arizona, made an excellent address to the Arizona Bankers Association outlining some of the problems that he sees confronting the copper industry.

Arizona produces 52 percent of the copper produced in America, so naturally we have a great interest in what happens to this industry at all times.

Because I think his remarks are pertinent and to the point and would be of interest, I ask unanimous consent that they be printed in the RECORD.

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

ADDRESS BY GEORGE B. MUNROE

Ladies and Gentlemen: I'm going to talk to you this morning about the outlook for copper over the next several years—a subject which obviously is of interest to me and to Phelps Dodge Corporation. By virtue of Arizona's pre-eminence as a copper producing state, it is also a subect of considerable importance to Arizona.

Everyone here today, I'm sure, is aware that copper is a major industry in Arizona Let me give you just a few figures. In 1969, Arizona mines produced a little over 800,000 tons of copper, which was more than half of all the copper mined in this country, and 15% of the total production of the non-Communist world. Not only does no other state in the union come close to Arizona in copper mining, but Arizona's 1969 production was not equaled by any other country in the free world. Zambia and Chile, both very important sources of copper, may receive more attention from both the copper marketing fraternity and the financial world, but the proper ranking of copper producing states in 1969 is: Arizona—first; Zambia—second; Chile—third.

Arizona's top ranking will be challenged over the next few years. Chile has a major effort under way to expand her production and, if all these projects come in on schedule, very shortly Chile will squeeze by Arizona to become number one. Whether Chile can in fact achieve this remains to be seen; Arizona's production is also growing, and it is hard to judge what impact Chile's new Marxist government may have on its projected copper expansion.

The contributions that copper mining makes to the Arizona economy are massive. The mines are big consumers of equipment, fuel and supplies, and last year they spent over $137,000,000 in Arizona for such items. They also contribute large tax revenues to the State, cities, counties and school districts—more than $44,000,000 in 1969.

Mining is a capital-intensive, rather than a labor-intensive, industry. Even so, Arizona's copper industry provides direct employment for nearly 20,000 people, and aggregate wages, salaries and fringe benefits paid to Arizona copper employees last year amounted to nearly $200,000,000.

As for capital expenditures by Arizona mines, here are a few examples: the cost of developing the new Duval Sierrita mine, which began production this year, was in excess of $160,000,000; during the same period, Anaconda brought in its Twin Buttes property at a cost of some $200,000,000. We anticipate that Phelps Dodge's new Metcalf mine, now under development near Morenci, will cost in excess of $150,000,000. And the expansion of Magma's San Manuel mine currently under way has been announced as costing at least $200,000,000.

What this all adds up to is that Arizona is important to copper, copper is important to Arizona, and the outlook for copper should thus be of interest to us all. I will discuss this in terms of where copper stands today, what the near-term prospects are, and finally the longer range outlook.

As many of you are aware, copper has been in a state of short supply on a world-wide basis for almost all of the past seven years. But perhaps some of you have forgotten that this seven year shortage followed on the heels of seven years of rather lean business for the copper industry, with an excess of supply and with most of the world's mines operating on a curtailed basis. The recent shortage was caused by sharply increased civilian and military demands for copper in the middle 1960's, and by adverse effects on production resulting from political disturbances and strikes abroad and, particularly, by the long strikes which shut down virtually all domestic copper production for more than eight months in 1967–1968. We estimate that almost one million tons of production were lost because of the U.S. strikes.

From 1965 to 1970, dislocations in the copper market were also caused by the fact that, during that period, most of the newly mined copper produced in this country was sold at prices substantially lower than the prices at which copper from other sources—scrap, imports and some domestic mine production—was sold. This gap in prices—which at times was as large as 25–30¢ a pound—was primarily caused by a decision of the Federal Administration in 1965 to exert sufficient pressure on certain domestic producers to prevent them from keeping their prices in a reasonable relationship with other copper prices.

Both of these problems of the late '60's—a short supply of copper and an artificially distorted pricing situation—have now disappeared. During 1969 the copper price charged by the major domestic producers rose steadily from 42¢ a pound, and reached a high of 60¢ in April of this year. At that time the London Metal Exchange price, which sets the price of foreign-mined copper, and the merchants' price in this country, were in the 79–80¢ range. Since then these outside market prices have dropped sharply, and are about 50¢ a pound today. Reflecting this decline, the U.S. producers' price was reduced to 56¢ late in October.

It seems clear that, barring further major interruptions of production, the long copper shortage is over. This has resulted in part from a steadily increasing growth of productive capacity throughout the world, and in part from the general business slowdown in this country and the slowing of economic growth rates in some European countries and Japan. As an illustration of the increase in capacity, the total capacity of all domestic mines which stood roughly at 1,390,000 tons of copper at the start of 1964, today is nearly

1,850,000 tons. The proportionate increase abroad has been considerably greater.

As a result the outlook for copper users as we start the decade of the 1970's is good. The prospect is for ample availability, as projects for the opening of new mines and the expansion of existing ones reach the production stage. Because of the long lead time involved in bringing in new mines—three to five years or more—we already have a pretty good handle on probable increases in productive capacity over the next four years, and it appears that free world mine capacity will grow during that period at an average annual rate of 7%. This is considerably higher than the historical average growth rate of productive capacity. It is also higher than the historical rate of increase in consumption, which in the post-World War II era has averaged about 4½% a year.

We anticipate that the demand for copper will continue to grow at approximately this historical rate—I suppose because we're always inclined to assume that what has happened will continue to happen until there is some evidence of change. Of course the long period of short supply and high prices has given impetus to efforts to substitute other materials for copper, but substitution has been occurring more or less constantly for years and nevertheless copper usage has continued to grow.

For copper producers and those affected by the success of copper producers, the story is a little different. If production should increase at a 7% rate over the next several years, and consumption at 4½%, a growing excess of supply over demand would develop. A projection based on past consumption trends (and 1970 is not likely to be up to that trend) would indicate that by 1974 anticipated free world production—after allowing for "normal" losses due to strikes, political disturbances and accidents—would exceed projected consumption by some 12%. While that should not be an unmanageable excess—perhaps no more than is desirable to assure consumers of the adequacy of supplies—I don't think any of us knows how the problem will be met under current circumstances. In past times of surplus, as I indicated earlier, production was cut back at many of the world's mines, including most of the important foreign mines. Today the marketing and production policies of many of the important foreign mines are being set by foreign governments and how they will react I think no one knows.

Aside from this threat of overcapacity, what are our problems? Perhaps I ought to mention at least two, both of which could affect our production estimates in an important way. (1) As you may know, labor contracts at most of the domestic mines expire in mid-1971. It is too soon to know whether another strike is likely at that time. Even though it would be a tragedy for all concerned we certainly cannot rule out such a strike—although it is true that long strikes have not usually occurred in successive negotiations.

(2) The second problem which can't be factored into our calculations is the possibility of substantial reduction of domestic copper production which can result if air quality laws require copper smelters to achieve emissions controls beyond what is technically and economically feasible. This is a difficult problem; let me take a few minutes to outline it for you, in terms of Phelps Dodge smelters and Arizona law—I don't think the situation is substantially different in any other copper area of the country.

Almost all copper mined in Arizona—or elsewhere—must be smelted during its transition from ore to a commercially-saleable product. Although probably every major copper company, including Phelps Dodge, has research programs looking for ways to replace smelting, it does not appear likely to me that any alternatives we may come up with will be ready for large scale use for at least the next several years.

Smelting is a process for separating copper from other materials in the ore. A principal component of most copper ore mined in Arizona is sulfur, and it is separated from copper during smelting by converting it into sulfur oxide gases. It is these sulphur oxides that are the root of our trouble. Since smelting was invented, these oxides have been disposed of by allowing them to escape into the atmosphere.

Arizona law, put into effect this last summer, requires smelters to remove 90% of all sulfur contained in the smelter feed, and permits each smelter which doesn't meet that standard to operate on a year to year basis for no more than the next four years, provided that it has a program under way to bring it into compliance by the end of the period.

I'm not going to reopen here the issue of whether 90% sulfur removal is necessary or reasonable—we feel that it is not, but it's the law now, and Phelps Dodge is going to make every effort to comply. I think the same is true as to the other copper smelting companies in the state. But I have to tell you that 90% sulfur removal is a very difficult target, especially for copper smelters treating the volume and type of materials that Arizona smelters treat.

In brief, here is what Phelps Dodge is doing. We're making our start at Ajo, where we are constructing two plants. One will make sulfuric acid from the sulfur oxide gases. The other is somewhat experimental. It involves a process which I don't think has ever before been used at a copper smelter (although it has been used on a limited scale with other types of ore), but by which we hope to overcome what has always been one of the major problems in sulfur recovery—the fact that the emissions from the reverberatory side of the smelter are so dilute in their content as to frustrate attempts to recover the sulfur. This plant is designed to remove those sulfur oxides by absorption, and upgrade them for feeding to the acid plant or to a plant to make elemental sulfur. It is essential that a process for recovering elemental sulfur be developed, because surveys indicate that if Arizona smelters all convert their sulfur oxides to sulfuric acid, we'll be making much more than we can even give away. That is why Phelps Dodge is participating in two elemental sulfur research projects, one of which, a joint program with American Smelting and Refining Company, is in the pilot plant stage.

In the meantime, the Ajo acid plant and absorption plant are being built. We estimate their cost, including related particulate removal facilities, at $25,000,000. At our other two smelters—at Morenci and Douglas—our compliance programs will be much more costly, and may involve modifications of the smelting process itself. At these smelters we're now doing the design work and installation of improved smoke-collecting equipment and installing additional electrostatic precipitators to capture virtually all particulate matter from the smoke. When this is done, we'll be ready to take a look at the Ajo plant results, our elemental sulfur recovery research projects, and whatever anyone else may come up with that looks better—this is an area of great research activity—and put in the process and equipment that promise to do the best job.

The cost of the Phelps Dodge smoke abatement program is going to be very large—probably more than $100,000,000 over the next several years (in addition to nearly $50,000,000 already spent or appropriated), and it's going to require more money than the company can generate internally.

Now I would like to comment briefly on the outlook for the longer term—say to the end of the century. As to demand, there is nothing ahead that we now see that would impair copper's role as a raw material of basic importance to economic development. Projections for refined copper demand in this country alone in the year 2000 range from a low of 6,000,000 tons to a high of 7,800,000 tons. The low estimate is nearly three times the current domestic consumption level.

It is true that projections such as these assume an ever-increasing population. But even if we were to have zero population growth, I would expect to see a continuing substantial growth in the need for copper. There are many citizens of our country living far below a reasonable level of comfort, and copper—because of its importance in a wide variety of basic products—is a vital material for improving their living standards. When one considers the needs of the rest of the world, of course, it is clear that demand for copper abroad will increase at an even greater rate than domestic demand.

Fortunately, there is enough copper available for development to satisfy any foreseeable future demand—assuming a price high enough to justify development. Of course, the mere existence of the ore bodies does not assure that the needed copper will be forthcoming. The development of ore reserves involves very large, and ever increasing, amounts of capital, which in itself, in these days of tight and expensive money, operates as a limiting factor to some extent. In addition, some of the deposits involve major technological problems. However, given the demand and a satisfactory price level, it is safe to assume that the necessary capital and technological resources will be forthcoming. The remaining impediment to expansion of the world supply of copper lies largely outside the control of producing companies, namely, the role of government.

The impact of governmental policies on the copper producing industry has grown tremendously in recent years. Nationalization of mines in the Congo, Zambia and Chile are the most obvious example. It remains to be seen what effect these nationalization actions will have on the future output of copper in those areas. I think we can safely assume that it will not result in any reduction of the historic production rates in those countries. For example, production in the Congo in 1960, the year it became independent, was 333,000 tons. In succeeding years, even when fighting was raging in the Katanga copper belt, production never dropped more than 10% below that level. In 1967, when the mines were nationalized, production was 354,000 tons, and last year it was 400,000 tons—20% higher than in 1960. On the other hand, it may well be true that production has expanded at a slower rate under nationalization than would have been the case otherwise—although this cannot be proven with certainty.

The mining policies of Peru, the fourth largest copper producer among the underdeveloped countries, are currently undergoing rapid changes and have not yet stabilized. I would not try to speculate on where they will end up, nor what the effect will be on development of the copper producing potential of that country. A firming of policy in the direction indicated by recent statements and actions of the Peruvian government could greatly retard the development of these resources.

But it is not only in the underdeveloped countries that governmental policy will have a major bearing on the development of new copper mines. Almost all of the deposits planned for development in Canada, and by which she is expected to pass Zambia to become the world's third largest copper producer, are quite low grade deposits. Their development will depend in large measure on future Canadian and provincial legislation relating to taxation, requirements for processing and sale in Canada, etc. If some of the provisions

which have been proposed are enacted, it is likely that development of properties of this type will be inhibited.

Finally, in our own country, governmental action also will have an important bearing on the development of future copper supplies. This includes such things as access to the public domain for exploration, taxation and other matters, as well as the important factor already mentioned—what sort of restrictions may be placed on the industry in the environmental area.

At present, U. S. government activities that affect the mining industry suffer from lack of direction and can often work at cross-purposes. This is by no means unique to our industry, but it is a matter for concern when the lack of a clear policy and approach involves the raw materials on which, ultimately, the rest of the economy is based. In contrast, the governments of Japan and Germany, our major industrial rivals despite their weaker domestic raw materials positions, have developed and are implementing policies to assure they will have what they need to meet future requirements. For example, a number of the new mines in Canada, as well as in many other parts of the world, are being developed with Japanese money, and the copper will be produced for Japanese use.

Our own government policies may be changing for the better. A bill to establish a national minerals policy in support of the development of minerals resources has passed both houses of Congress and, if differences between the two bills can be worked out, may be adopted. Moreover, Secretary of Commerce Stans recently announced that President Nixon has authorized creating a new National Industrial Materials Commission, to be managed jointly by the Departments of Interior and Commerce. The Commission will analyze our needs and supplies of minerals through the end of the 20th century, and I am hopeful that a constructive government policy will result from the Commission's study.

In summation, then, the future of the copper industry looks reasonably good, despite a few clouds on the horizon. There is little doubt that this useful metal will be needed in growing quantities in the years to come, and I believe very strongly in the power of effective demand to evoke the supplies necessary to satisfy it. It does appear, however, that future governmental policies in the various countries where copper is found will exert a large influence on where the new mines which will be needed in the future will be developed.

As for Arizona: Chile may, or may not, pass us as the world's largest producing state, but I believe that, assuming a continued favorable climate for the massive capital investments needed for modern mining development, Arizona will continue to be a very major factor in the copper world, for at least as far into the future as I dare to look, and, hopefully, for very much longer than that.

Thank you.

## A POLLUTION-FREE ENVIRONMENT IS THE RIGHT OF ALL MEN

Mr. PROXMIRE. Mr. President, I have spoken consistently before this body for the cause of the basic rights of man. I am hopeful that we will soon take the necessary action to ratify the Genocide Convention, which the Senate Foreign Relations Committee recently reported to the floor.

However, today, I should like to address my comments to another basic issue confronting America this week.

This issue is the very future of our environment.

Every man, woman, and child is entitled to an environment that is clear of air, water, and other forms of pollution. All of us are aware of the steps that have been taken in recent years to curb pollution. These must continue, as the battle to protect our environment has not been won.

Continued development of the SST would represent a setback for these efforts. Until the conflicting evidence concerning the effects of this plane on the environment are resolved, we should not take the risk of further endangering the right of every man to a clean, pollution-free environment. To do so would be an infringement on the basic right of every man, woman, and child to live and work in a clean atmosphere.

Thus, I urge the Senate to delete the appropriation for the SST from the appropriation bill of the Department of Transportation. Such action by the Senate would uphold the basic right of all men to live in a pollution-free environment.

Such action on the SST, coupled with ratification of the Genocide Convention, would show the entire world that our ultimate concern is that all mankind should be guaranteed certain basic rights, including the right to live in a clean environment and freedom from the fear of the crime of genocide.

## THE PRESIDENT'S WELFARE REFORM PACKAGE

Mr. PEARSON. Mr. President, as we near the end of this session of Congress, it is apparent that many important bills will not become law. From the tide of proposed legislation only a few measures will trickle through the sifting process of sponsorship, hearings, agency comments, committee executive sessions, floor debate, House-Senate conference, approval of conference report, Presidential signature, and, in the case of a veto, congressional override.

Among the bills which may not be approved are the President's welfare reform package, legislation dealing with consumer protection, drug control, foreign trade, and many other important matters including S. 1575, the Regulation of Trade in Drugs Act, known as the Hart bill.

Mr. President, critics have accused several Senators of conspiring to forestall the passage of S. 1575 by refusing to attend executive sessions of the Committee on Commerce if the bill were placed on the agenda. I wish to assure the Senate that no such "boycott" has ever been suggested to me in my 8 years in the Senate.

Further, I wish to make the record clear. For that reason I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a letter of reply that I have sent to Mr. John L. Rose, editor of the Journal of Kansas Pharmacy.

Mr. President, I remain convinced that the pharmacists of my State prefer to work in a spirit of cooperation and fair-mindedness. They are persuaded only by fact. It is in that spirit that I submit the letter.

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

NOVEMBER 20, 1970.

Mr. JOHN L. ROSE,
*Editor, Journal of Kansas Pharmacy,*
*Topeka, Kans.*

DEAR MR. ROSE: Your recent editorial attacked me on the grounds that I allegedly joined other Republican Members of the Senate Commerce Committee in some sort of mysterious conspiracy which refused to attend Committee meetings unless S. 1575 (the Hart Bill) were removed from the agenda.

Your charge is absolutely, unequivocally false.

In my eight years in the United States Senate, no Member, Republican or Democrat, has ever urged me to boycott a committee meeting.

Moreover, my study of Commerce Committee records indicates that S. 1575 has never been on the Committee Executive Session agenda—or even on an tentative agenda since its referral to the Committee on March 17, 1969.

You charge that Republican Members, by their absence, have killed this legislation. Not only would such behavior be instantly noticed in the public media, but such strategy simply would not work. Because Democratic Senators enjoy 11 to 8 majority on the Commerce Committee, they may favorably report out any bill they wish, whether a single Republican is present or not, since 11 Senators constitute a quorum enabling the Committee to do business.

S. 1575 is not dead, despite your obituary. It may well be considered before this Congress adjourns. It likely will be reintroduced in the next Congress—as would have been necessary even if it had passed the Senate because this bill has not progressed in the House of Representatives. Indeed, no hearings have been held, or even scheduled, in the appropriate House committee during this Congress.

For myself, I have supported this legislation and will continue to do so, subject to my concern for the need to accommodate the problems of sparsely populated areas of Kansas and the naticn where the nearest pharmacy may be many miles from a country doctor and his patients.

My interest in this bill is shown by the fact that I attended both days of hearings on this legislation June 16 and 17, 1970.

My attendance at Commerce Committee meetings, as the record indicates, is one of the best of any member of either Party. And, since I am informed that every other Republican Committee Member was similarly editorially attacked in hs home state, I must add that only rarely during the last two months preceding the recent elections has the Committee been able to obtain a quorum because of the chronic absences of six campaigning Democratic Senators, including Senator Hart. Only two Republican Members, if we must be partisan, were campaigning for reelection.

You charge that, after a recent phone call to my office, it became obvious to you that no one here had read the bill. Unfortunately, Mr. Rose, your call was misdirected to a man who had joined my staff only two weeks before and who was not only unfamiliar with legislation, but was handling press matters. My representative on the Commerce Committee staff and I have, however, read and studied this bill, as well as statements, memoranda and arguments dealing with it.

To the point, Mr. Rose, let me tell you what has really happened: (1) every Republican Senator on the Commerce Committee was recently attacked in print by pharmacy spokesmen in his home state; (2) this orchestrated assault occurred just before the recent elections. This is no mere coincidence.

With the experience of several years in the Senate, it is clear to me that you and your counterparts in other states have relied on the word of a Washington lobbyist who, perhaps because of the frustration that this bill has not won Congressional approval, was inclined to stretch the facts so as to reflect favorably on his presumably hard work and expense account.

In summary, these pressure tactics endanger reasonable legislation—now and for the future. S. 1575, the Regulation of Trade and Drugs Act—even though I have received more mail in opposition than in support of it—is a just cause which has my support.

Only the unfairness, the distortion of fact and the bitter rhetoric of you and your Association, all too common on the political scene today, can permanently seal the doom of S. 1575.

Your consideration of the facts is personally appreciated.

Very truly yours,

JAMES B. PEARSON,
*U.S. Senator.*

## FEDERAL-STATE PARTNERSHIP IN REGULATION OF AIR CARRIERS

Mr. CANNON. Mr. President, recently Robert T. Murphy, a member of the Civil Aeronautics Board, and incidentally a former Senate aide, addressed the 82d Annual Convention of the National Association of Regulatory Utility Commissioners in Las Vegas, Nev.

His subject was: "What Kind of Federal-State Partnership Should We Have in the Regulation of Air Carriers?" He pointed out that the key word was "partnership" and that the existing relationship was working out very well.

His address is important and interesting, I ask unanimous consent that it be printed in the RECORD.

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

REMARKS BY THE HONORABLE ROBERT T. MURPHY

It is an honor for me to appear in the company of distinguished speakers who are addressing you from this rostrum during the four days of your Eighty-second Annual Convention. From the program, it is apparent that your able legal and administrative duo, Rodgers and Kreeger, have succeeded once again in structuring a notable agenda of provocative regulatory topics.

In view of the short time available, let me turn promptly to the subject that I have been assigned to discuss. The question is, "What Kind of Federal-State Partnership Should We Have in the Regulation of Air Carriers?" After touching on the nature of our relationship I propose to treat briefly the one area in which some problems have arisen.

The key word is "partnership." At the outset I would like to make clear that while there may be major policy disagreements and jurisdictional conflicts between state and Federal regulatory agencies in other fields, I believe that the conflicts between the Civil Aeronautics Board and state aviation regulatory commissions are minimal. I am proud to say that there is, in fact, a true working partnership between you and us in the regulation of the air carriers. This smooth-working relationship is the result of two things; first, the wisdom on the part of those who drafted our respective statutes and second, mutual understanding and forebearance on the part of the people who administer those statutes.

In the course of my participation in 40 separate international route negotiations between the United States and 21 different nations during the past nine years, one thing has impressed me most strongly. That is the comparative genius of our system of air carrier regulation. In Europe and elsewhere in the world, many small nations are required to struggle and bargain painstakingly among themselves each time before air services can be inaugurated to connect points in their respective territories. No central authority exists to determine if the public interest requires a service and whether it should be authorized. All commercial rights must be separately negotiated. Here in the United States, however, there are no such local barriers to the free movement of commercial aircraft back and forth across our vast land. No artificial protection or local preferences are granted by any particular city or state to the airlines based in that city or state to the detriment of the general public and the air transport system as a whole. This great air travel market with its integrated route system and the air transport industry which effectively serves it is the envy of the world.

One can only marvel at the wisdom of the Founding Fathers of this country who had the foresight to invest the constitutional responsibility for the regulation of interstate commerce in the Federal Government—specifically in the Congress of the United States. It is almost as though they foresaw the airplane and its ability to operate in complete disregard of state boundaries and as if they knew that a single body would be needed in the public interest to prevent local barriers from restraining its free movement.

Although Congress has delegated responsibility to the Civil Aeronautics Board for the economic regulation of our carriers in interstate air transportation, as that term is defined in the Federal Aviation Act of 1958, the states and state regulatory commissions are by no means excluded from the process. As an arm of Congress, our agency is extremely sensitive and responsive to the views and wishes of state and civic bodies across the country. When you speak we listen and you speak to us loud and clear through the competent and knowledgeable counsel whom you send to Washington to participate in our proceedings. When these men appear before our examiners with their batteries of statistics and experts and at oral argument before the Board, you can be assured that they are most persuasive and effective. My four associates on the Board and I give the most serious consideration to their expressions of the will of the states, the aeronautical commissions and the cities. We recognize them as experts on the singular needs of their areas for service and on the impact of various rate actions, carrier mergers, and other types of economic action upon their communities.

But the dialogue between the Board and the states is not narrowly confined to formal proceedings alone. The Board has established another effective and articulate avenue of communicating with the civic bodies. I am referring to our Office of Community and Congressional Relations under the able direction of John Dregge. In my view, Colonel Dregge has served a most important public purpose in his constant visits to and informal communications with the local communities as a spokesman for the Board. He has been a most effective intermediary between our agency and the states. I am sure that many of you in aviation know from practical experience of his unique ability to bring the thinking of the Board and the communities together, eliminate disagreements and promote mutual understanding and accord.

Probably the chief area today for cooperation between the Civil Aeronautics Board and the state regulatory commissions is the maintenance of service to small communities, particularly by the local service carriers.

We recognize, of course, the responsibilities for air service within your states which your legislatures have imposed on you, and we can readily appreciate the concern which you feel over the impact of various actions by our Board which appear to countenance a decline in air transportation within your states. I have had several occasions in the past year to discuss this matter before other groups and I would like to dwell briefly on this important subject before turning the rostrum over for questions.

As many of you know, the local service airlines of this country, the Mohawks, the Ozarks, the Frontiers and others, hold certificates from the Board which were granted to them primarily to enable them to serve smaller communities across the nation. The Board is authorized to pay these airlines such subsidy from the Federal Treasury as is needed under "honest, economical and efficient management" to enable them to provide the necessary service. In the beginning they were able to serve all the cities on their routes but as modern jet aircraft became available in the 1960's, the local service carriers like the major trunks began to re-equip. Their expenses rose and even with the subsidy we paid them, they have become increasingly unable to efficiently serve some of the small communities with the new larger equipment.

Many steps are being taken in the Board and by the carriers themselves to meet these service deficiencies and enable the carriers to provide adequate service to your smaller communities. An increase in the Federal subsidy, of course, is one method and the Board is actively pursuing that avenue within its staff and with the Congress. We have told the Congress, after an intensive reappraisal, that $58 million in subsidy will be required for the current fiscal year to enable the local service carriers to serve their cities adequate instead of the $30 million originally requested. That appropriation bill is still pending.

Other steps, such as route strengthening and fare increases, have also been taken by the Board. But one of the most important and exciting vistas being explored by the Board, the airlines and many communities, is the program of substitution of third level commuter airlines for the services of scheduled certificated airlines at smaller traffic points.

In the past three or four years we have approved nearly 50 such arrangements. They take several forms. A common method, however, is for a certificated carrier to enter an agreement with a commuter airline under which the commuter is to provide a certain number of flights per day between specific points with small aircraft, generally Beech 99's or the DeHavilland Twin Otter. The certificated carrier agrees to provide reservation, ticketing and other services for the taxi operator and in some cases underwrites the operation of the commuter line on a minimum guarantee basis. In some cases, the commuter uses the certificated carrier's name and colors. In exchange, the Board allows the certificated carrier to suspend the service in the markets involved.

The Board has found these arrangements to be in the public interest and most of the cities at which they are in effect appear to be reasonably satisfied with the service they are receiving. From the Board's point of view, the suspensions allow the certificated airlines to reduce its subsidy need and the cities get more frequent and better timed schedules from the commuter carriers than they received from the certificated carriers. I can appreciate the difficulties your cities experience at first and the statesmanship it requires on your part and theirs to accept a carrier operating small two-engine aircraft at an airport where a great deal of money may have been spent by the community for runways and terminals. I call on you, however, to recognize as we in Washington must rec-

ognize, the inexorable laws of economics and to persuade, in appropriate cases, the citizens of your cities and states that programs such as this are useful and advantageous to them. I believe it will be apparent to many smaller communities that these commuter operators are their best ticket of admission and nexus to the whole vast air transport network.

I have no intention to suggest that the commuter carrier substitutions, as we now know, are the salvation or the only answer to declining service at small traffic points anywhere. Rather, what seems to be emerging from our experience is a conclusion that there is no single answer to the problem of declining service which can be applied in every market individually. We must attempt to tailor a solution fitted to the service problems of that particular market. But we need your cooperation and that of many communities across the country. With that, combined with the innovation and boldness of the certificated carriers and the commuter air carriers, I think we can solve this problem of declining service to small communities to the mutual satisfaction of all of us.

I wish to express to NARUC my particular appreciation for your current efforts in cooperation with the Board. Those of you who are not aware should know that NARUC, through its Washington offices, has been participating actively in the various phases of the massive Domestic Passenger Fare Investigation which is now underway before the Civil Aeronautics Board in Washington. The comments of your organization have been most helpful and enlightening to our hearing examiners assigned to these cases. I welcome your participation and I can assure you that the Board will give NARUC's comments the most serious consideration when this difficult and important proceeding reaches us for decision.

In conclusion, let me say that all of us should be aware of the special burdens facing the airlines today as they struggle to maintain and improve their service to the nation. The litany of these problems at times seems endless—the slowed growth of air traffic, declining load factors, increased costs of labor, money and material, strikes, hijackings, increased travel taxes and a host of others. One thing is certain however; these problems will be overcome as they have been in the past. With all of the challenges confronting the air carriers and whatever else may be said of the wisdom of past decisions by the airlines to purchase new equipment, one thing is clear. And that is, in the high demand markets the public will be served and served well. Whatever other nationwide public service industries may do, the air transport industry can truly promise the American traveler that there will be no "brown-outs" or shortages of airline capacity in the United States this winter or next summer or next year. Problems we have in great abundance—but the American consumer relying on this industry will find it ready, willing and able to fly him whenever and wherever he wants to go.

## INAUGURAL MESSAGE OF PRESIDENT LUIS ECHEVERRIA, OF MEXICO

Mr. GOLDWATER. Mr. President, on December 1, 1970, it was my distinct pleasure and honor to have been a guest of the Mexican Government at the inauguration of Luis Echeverria as President of that great and wonderful country to the south of us. Having been born on the Mexican border and having lived my life there, I have naturally held an interest in Mexico that far exceeds that of a person not having been so close to that country.

Mexico has had an unusually long and successful line of presidents who have truly brought meaning to the revolutionary idea that started Mexico going many years ago. I think that President Echeverria will bring to that country something entirely new in the line of presidents. He is a young man, being 47 years of age, and he has surrounded himself with outstanding young leaders from all walks of life in Mexico. I was particularly impressed with his inaugural address. It was to the point. He did not mince words. I think the people of Mexico and the people of the United States—in fact, the people of the world—have a very clear idea of the direction Mexico will continue to take under his leadership.

We in the United States are extremely fortunate to be surrounded by two wonderful neighbors—Canada on the north and Mexico on the south; and in particular, we who have lived on the border are grateful for the association with that frontier of the Republic of Mexico. From them has come much of the culture and way of life that we live in the Southwest. But more important, from them have come some of the finest people that we call citizens of the United States.

Mr. President, because I was so impressed with the speech of President Echeverria and because I feel that my colleagues in Congress should have the opportunity of reading what this fine leader had to say, I ask unanimous consent that his message to the nation be printed in the RECORD.

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

MESSAGE TO THE NATION

(By Luis Echeverria)

After a century and a half of independence and having undergone six decades of change. Mexico must strengthen its democratic institutions, economically and socially. Such is the path indicated by the Constitution of 1917. Determined to follow this path I assume the responsibility, from the office of the President, of coordinating the efforts of my fellow countrymen.

The needs and hopes of the nation present a challenge to the Mexicans of today. Our Revolution has assured individual liberty, internal peace, uninterrupted growth, and our capacity for self-determination. And yet, grave lacks and injustices still prevail that could endanger our achievements; overconcentration of income and the marginal position of large groups threaten the harmonious continuity of our development.

We cannot expect institutional equilibrium and the expansion of wealth alone to solve our problems. It would be denying the best of our heritage if we were to encourage the conservative trends that have developed out of a long period of stability. To reject conformity and accelerate overall growth, on the other hand, is to preserve the strength of the Revolution.

Everywhere in the country, at all social levels, I have heard the expression of a resolute will to progress. I have held frank dialogue with my fellow countrymen. They have told me what they need, what they look forward to, and what they are ready to do. They know how I think and my readiness to serve them. The time for action is at hand, I shall faithfully carry out the duty with which I have been charged.

The vote is a pact between the citizens and those who govern. In the elections of July, I was given a mandate by the people to be firm in my resolution never to permit power to be the ally of laxness or exploitation. My countrymen, on their part, have taken on the obligation to work hard in our great common task because they are men of honor and vision, as well as patriots.

No act of mine will go against national unity, nor shall I allow the system of freedoms guaranteed in our Constitution to be infringed. But, I shall spare no effort to eradicate inequities, fight against abuse, and foster the rational and just utilization of the national patrimony.

Our basic philosophy is true solidarity among Mexicans. We want internal peace to be the fruit of the dynamic energy of the constructive forces of the nation and not merely a precarious adjustment to routines, interests, and sterile selfishness. We will work together for the benefit of all because union without justice is bondage.

The Mexican Revolution will accelerate its pace. While we have eliminated long-standing structural inequalities, others have arisen in the last decades that are, however, circumstantial and should be transitory. The program to be fulfilled will continue in force until the very poorest have attained an adequate standard of living, providing a driving impulse for the people and their productive effort for the rest of this century.

Being a revolutionary means accepting permanent responsibility and rising above pursuit of profit, ambition for power, and destructive impulses. Today's revolutionary is the upright public servant, the loyal soldier, and the honest leader; the industrious farmer and worker; the teacher, the scientist, the artist, and the student, unselfishly devoted to their tasks. He is the entrepreneur who is a nationalist and, at the same time, has social vision. He is not, however, the impostor and dreamer of revolutions . . . the anarchist. the provocateur, the turncoat impelled by forces and interests alien to us, that we Mexicans well know. We will be doing more than carrying out a government program . . . we will be putting a program of the people into effect. In a democracy like ours, those who govern reflect the historical moment.

Their authority is no more than a sum total of aspirations, wills, and efforts. It is the obligation of those of us in leadership to act as the vanguard, but the nation's tasks are a common responsibility. We shall act under the mandate of national sovereignty and we shall go as far as the people want us to.

Mexico has been living an extended period of creative peace. Our system has strengthened the country's independence and won broad public agreement which enables us to take important decisions. If our development strategy must be modified in order to fulfill Constitutional mandates, we shall not hesitate to do so.

The provision against re-election is one of the wisest and most fruitful decisions of the Mexican political system. It permits us to keep pace with history because it allows for the renewal of ideas and of men while remaining faithful to principle. Every six years, we have an opportunity to analyze results, set new goals, adjust the course if necessary, and give attention to the legitimate expectations of change that have arisen in our community.

Mexico is confronted today by problems whose nature and magnitude were impossible to foresee at the start of the century. Its population has grown threefold since the end of the Revolution. The reforms that have been carried out, have caused the country to take on new features. The ancient backwardness of many regions exists side by side with the latest manifestations of industrial life. Our problems grow more acute

each year as a consequence of the unrelenting demand for jobs, schools, and better living standards.

Our population will reach the figure of almost seventy million by the end of this decade and within twenty years, very likely, one hundred million. We are fighting a battle against time. The image of the kind of country we want and can be, when the century comes to a close, must be projected so that, starting now, we may undertake the qualitative reforms our organization requires.

On various occasions, I have stated that population growth is not a threat but rather a challenge that puts our creative potential to the test. We will not accept the coercive intervention of authority in areas that fall within the sphere of personal human freedom. We reject false solutions used as alibis for defeatist attitudes or to camouflage indecision when serious problems arise which we would have to face and solve, in any case.

It is not true that economic growth and redistribution of income must inevitably become a dilemma. Those who maintain that we must grow first in order to distribute afterwards are either mistaken or lying out of self-interest. It is true, however, that employment and productivity should be increased more rapidly. To accomplish this, it is indispensable to expand the domestic market and share income more equitably. At the same time, human effort must be more productive. It is likewise necessary to distribute . . . distribute education, technology, and welfare.

We shall go on promoting the capitalization of the country in order to attain a self-sustaining course as soon as possible. Abundant labor, natural wealth as yet unexploited, and the internal market we are expanding, offer a broad field for savings and the entrepreneurial spirit.

To be able to progress with our own resources calls for the participation of all sectors of the population and, particularly, those in a more favored position. Waste, inefficiency, and the unnecessary outflow of foreign exchange limit investment and retard growth.

In Mexico, we do not accept that the means of production should be managed entirely by public agencies; at the same time, we have outgrown the theories that would leave promotion of the economy entirely to private efforts. Experience has taught us that growth of capital alone is not sufficient if we are unable to apply it properly. Investment must be channeled to where it is most needed: to agriculture, to infrastructure, for the purchase of capital goods, and labor intensive enterprises.

We shall encourage internal savings, including those which go into private institutions and government organizations. The mixed-economy system established by the Constitution assumes that public investment is strong enough to direct the course of development. Free enterprise can be productive only if the government has sufficient funds to coordinate the attainment of basic national goods.

While at present many countries are undergoing serious crises, in Mexico the peso has remained firm for the last sixteen years. The basis for our monetary stability is political stability and the work of our people. We shall maintain the soundness of our currency and freedom of exchange. We shall fight inflationary pressures which are wasteful and reduce the living standards of the low-income groups.

The effect of increases in the cost of living upon the broad mass of the population, is severe. The true cause of this phenomenon is not due to rising wages, for even though these increase money in circulation, they also promote a higher level of production. Inflationary pressures are brought about both by scarce supply of goods and speculation. It is to the general interest to counteract these factors.

Foreign investment should not displace Mexican capital but complement it through association when this is considered useful. Mexican capital, in any case, should direct such association with discernment, dignity and patriotism, and use this capital to modernize its plants. Accordingly, we will accept, preferably, investors from different countries who, under the guidance of Mexicans, wish to establish new industries, and contribute to the promotion of the continuous development of technology and the manufacture of articles for export to all markets including their own.

The Mexican businessmen who sell salvageable or still-flourishing enterprises only nullify the efforts of their predecessors as well as their own. They squander the heritage of their children, and betray their inability to train them to be executives destined to replace them when they tire or lose the will to fight.

It is vital to expand exports in order to be in a position to finance without commitments the purchase of technology and machinery not yet produced in Mexico. Furthermore, it is only through our export income that we will be able to offset the loss of foreign exchange caused by the outflow of dividends, interest payments, and the cost of the technology needed for continuous development. We must also promote export of raw materials, as well as, manufactured goods keeping in mind that, in the long run, it is only through a substantial increase in the sale of industrial products that we will be able to balance our trade deficit.

We shall continue our efforts to obtain fairer terms of trade, particularly, between countries united by geography and mutual friendship; nevertheless, we shall explore new markets throughout the world. At the same time, we will have to require a more general application of a system of standards to encourage the manufacture of articles that will be competitive abroad in quality and price. Those entrepreneurs who are unable to meet higher standards will be displaced from the world market.

The large-scale substitution of imports has frequently forced us to produce goods in rudimentary installations. We now face a stage of development in which innovation and efficiency must regulate industrial activity. We must adapt thoroughly to modern requirements by improving our creative capacity and not by the slavish imitation of practices alien to us. Instead of confusing our consumers with useless habits and swamping them with superfluous goods, let us abolish outmoded methods and adopt more advanced industrial and commercial procedures.

We shall continue revising the government's system of protections of manufactures. We must help industry modernize and contribute to the development of other sectors; but never in such a way that it will subsidize inefficiency.

Technological progress is today the best ally of the Mexican Revolution. If there is no widespread use of technology, profits are made through the use of an abundant supply of unskilled labor which is poorly paid. That is why high costs coexisting with low wages is one of the characteristics of underdevelopment. On the other hand, when productivity is properly directed, it becomes possible to obtain a large output and distribute it more equitably.

Respect for the rights of labor is taken for granted under a free enterprise system. We will ensure that the provisions of the Federal Labor Law are fully obeyed; that labor-management relations develop harmoniously; that union autonomy and the right to strike are guaranteed; that the regulations on minimum wages and profit sharing are complied with; and, not a single worker's rights will be violated by taking advantage of his ignorance and weakness.

We must create over half a million jobs a year but we will not do this at the cost of human dignity. Poverty makes it necessary for many of our countrymen to accept unfair working conditions. It is our duty to join our efforts to those of the unions and modern entrepreneurs, in order to prevent work from being performed outside the framework of the law. Basically, we must trust the freedom of thought and responsible militancy of every worker for the defense of his rights.

Models of development, based on the accumulation of capital and the exploitation of labor or those which suppress freedom as the highest value and individual initiative as the dynamic force of progress, are considered unacceptable in Mexico. We want to advance rapidly but without infringing any of the aspects of our ideology, such as unrestricted respect for individual rights and the use of public power for achieving general well-being.

We will take the greatest care in order to ensure that institutional loans do not exceed our foreseeable capacity to pay. We will increase Mexico's financial prestige abroad because it is an invaluable asset obtained through the efforts of an entire generation.

Population growth and its ever-increasing needs require the constant increase of public expenditure and a greater flexibility of the tax structure. We shall correct the flaws and shortcomings of our tax collection systems in order to make them more efficient and permit a greater expansion of government investment in basic infrastructure. We must bear in mind that the people will be impoverished if economic expansion is not accompanied by a proportional increase in employment and the people's ability to produce and consume.

To the Executive Branch, to govern is to distribute fairly the fruit of our increased effort so that the most prosperous regions and sectors of the country contribute to the development of the most backward ones. By so doing, we do not intend to replace personal responsibility and, much less, to foster indolence. We shall put into effect the principle of equal opportunity, in order to provide everybody with the chance to prosper through his own work.

Mexico must continue to build a modern society. To accomplish this goal, it counts on the educational effort. Our fellow countrymen have faith in schools. With the deep conviction of those who—aware of their own limitations—believe in the new generation and know that mankind progresses through culture, they entrust them with the future of their children. We shall work toward this cause which represents the moral force of the country.

It was through its teachers that the nation found its way to freedom. Through the early teachings of Miguel Hidalgo, the humble learned to win their bread and their independence. The liberal educators were unquestionably the ones who forged the victory of the Reform. During the Revolution, the teacher was the promoter and interpreter of the people's struggle. Nothing that Mexico has achieved so far can be explained without reference to the educational work of its governments.

In our time, the efficiency of education is being challenged in all countries. A static education may give rise to discord and regression. Let us make every classroom a dynamic agent of social charge, scientific progress, and economic development, so that they will constitute the bulwark of our sovereignty and the source of constructive patriotism. May the schools give rise to the nation we desire.

True educational reform calls for a deep and constant revision of the objectives, concepts, and techniques on which teaching is

based. We must be wary of spectacular changes and arbitrary decisions. The reform we shall promote will not come about through bureaucratic imposition. It will arise out of every classroom based on creation, truth, and dialogue.

The educator must receive support in his social, intellectual, and moral responsibilities so that his conduct and devotion to his work will be a living image of the principles he teaches. His calling must be tempered through study so that he may fire the imagination of the student whose questions may be an anticipation of tomorrow's truths. Educational reform, then, is in large measure self-criticism by the members of the teaching profession.

The student should develop his aptitudes for creative action at all stages of his education. It is essential that the farmer learn to transform his environment, to incorporate himself into the contemporary economy. Industry must be in close contact with the schools to help make them more productive. We should also stimulate parent-teacher cooperation and reduce the gap between the school and reality.

The values that we profess in the classroom are often denied within the community. It would be useless to support the educator's work if we did not also turn the communication media into extracurricular teaching instruments that influence public thought; if we do not demand a change in moral attitudes from all sectors and if we, on our part, are not ready to prove to the new generations that our principles are worthy and that we support them firmly.

Our times are conditioned by scientific and technological advance. Many regions are poor despite their wealth of raw materials because they lack the know-how and capital required to process them. The purchase of patents and the payment of royalties is too expensive for poorly developed economies. Scientific colonialism deepens the differences between countries and maintains systems of international domination.

A nation is not able to develop to its fullest if it must depend exclusively upon foreign knowledge, nor can it determine its own future as long as external factors are capable of arresting or distorting its process of development. And so, the old adage that "knowledge shall make you free" takes on new force.

Let us apply on a large scale more rational methods of production of goods and services: in agriculture and livestock industry, in the extractive activities, in manufacturing, administration, and trade. Let us seek out the techniques necessary for the acceleration of our progress wherever they are to be found. Let us increase our own scientific knowledge in order to determine their true value, to adopt them to our requirements, and, above all, to innovate for ourselves.

The advancement of science will be one of the primary goals of the government of Mexico. We shall supply the universities and technical institutes with the means to keep knowledge in step with the times. We shall maintain absolute respect for their autonomy because without freedom of thought there can be no intellectual creativeness. We shall seek their cooperation in a program ranging from basic teaching to scientific dissemination and the training of research workers who guarantee our independence.

Looking only at the overall figures, one might think that we have surmounted underdevelopment. But, when we regard the reality that surrounds us we have reason to be deeply concerned. A large percentage of the population lacks housing, water, food, clothing, and adequate medical care.

We have reduced the mortality rate and increased life expectancy; but we have not always managed to create the favorable conditions that enable life to develop satisfactorily. Hunger is the most serious problem that a large number of our fellow countrymen face. Let us produce more food and get it to the poor man's table. Let us put an end to unhealthy conditions and promote the physical and mental well-being of all Mexicans.

The basic requirements for an acceptable standard of living are lacking in many thousands of villages; but, at the same time, excessive urban concentration produces dangerous deformations. We are confronted by such problems as chronic underemployment, nervous tension, and environmental pollution which we will attack without delay. But, these can be solved effectively only through the decentralization of economic activity

I repeat that every Mexican deserves a decent place in which to live. Unfortunately, the majority of rural dwellings reflect abject poverty. Excessive agglomerations of population result in the crowding of men, women, and children under improvised shelters in "poverty belts" and "lost cities." To translate into reality the right of every family to an adequate home is a task that calls for persevering action. Through incentives to individual effort, we shall foster the improvement of small communities and urban development by adopting cheaper systems of construction and increasing investment in low-cost housing.

Social security is one of the most powerful instruments for the redistribution of wealth and promotion of health. Medical care has been made available to working-class families in the course of the last twenty-odd years. Yet, barely one-fourth of the population enjoys its benefits. These advantages should not be restricted exclusively to the wage-earning-sectors.

We shall gradually extend the services of social security to the countryside and to the neediest urban levels, to the middle classes, and self-employed workers. Through planning and the bold implementation of policies we shall initiate a program, under which, at least half of our fellow countrymen will be covered by social security before the end of this decade.

Through the Independence, we gained the sovereignty of our nation and equality among Mexicans. Racial prejudice is nonexistent in our country. We are a *mestizo* people with a *mestizo* culture. We are proud of the two great sources of our nationality. Every Mexican, whatever his ethnic origin, is our brother.

The backwardness and isolation of some Indian groups is a characteristic of underdevelopment. As long as we do not incorporate them into the progress of the community, they will remain strangers in their own land. We must give them roads, education, technology and with entire honesty provide them, with the incentives that will convince them to participate in the general effort.

In the first decade of this century, we were still a semi-feudal country. In order to break down the traditional isolation, it was necessary to overcome geographical barriers: to build highways, create hydraulic systems, extend electric power networks; establish air lines, bring telecommunication to all parts. The physical unity of Mexico was basically created in only fifty years and we are now, for the first time, giving the nation a structurel life.

We shall prevent the continued concentration of the benefits of civilization in a few zones. It is urgent to reorganize our economic world: to create poles of growth where natural wealth and human resources are awaiting infrastructure. We shall accelerate our efforts to develop the countryside in order to meet rural aspirations. Public works must always be planned for the benefit of social interest and never for that of private individuals or small groups, whatever their apparent or temporary political and economic influence may be.

We are concerned with the deficiencies of certain means of communication. It is inaccurate to say that the railroad is obsolete. We are going to renew and modernize our railway network in order to make it a profitable method of transportation and an efficient instrument for the decentralization of economic activities. We shall expand our merchant fleet and improve port facilities. This requires public and private investment, as well as administrative coordination.

One of the profound motives of the Revolution and the origin of present-day Mexico was to reconquer the land for the people. Nevertheless, thousands of farmers still live under difficult conditions.

The *ejido*, communal property, and the genuine small holding are basic institutions. To respect and make them productive is to foster peace and prosperity in the countryside.

Agrarian redistribution has not ended. Legally and physically, lands are still available for this purpose. I reaffirm my solemn commitment: I will not rest a single day of my administration from the task of promoting the improvement of the farmers and the countryside.

We shall continue to incorporate as many acres as possible into cultivation. Colonization means a rational distribution of population. We shall go to those regions that are promising, overcoming ancestral resistances and avoiding the mistakes of the past. Every population center should have the necessary means to transform its work into the comforts of life.

The proper use of water and the ready availability of credit are vital to agriculture. We shall put to use whatever methods prove practical to increase irrigated areas and improve their distribution. We shall direct a greater volume of financial resources to the countryside and administrate them with honesty. We will encourage private banking to participate more fully while seeking to make our farmers better credit risks from year to year.

The *minifundio*, or smallest land holding, as a form of productive unit, is contrary to the nature of the *ejido* system. We shall strengthen the *ejido* to transform it into an active component of democracy and make it highly productive. We shall establish effective rural enterprises by grouping these land holdings and through cooperative work, wherever the farmers so desire and it is possible.

Through teaching and the intensive application of technology, we shall force farming out of its traditional passiveness since it is urgent to surpass the single-crop stage: to abandon unproductive habits and practices that impoverish the land, strictly establish crop rotation, and substitute low-yield crops by other more profitable ones.

We shall promote the economic capacity and the willingness of the farmers to make full use of machinery and equipment, improved seed, fertilizers, and pesticides. We shall modify distribution methods in such a way that our people, who work the land and consume its products, are the ones who obtain the advantages of the joint effort we are going to undertake.

By tradition and for geographical reasons, we are a livestock-raising country. We shall devote special attention to these activities and provide the producers with adequate guarantees. The progress of our livestock industry will supply our people with more nourishing food, foster many rural industries, improve external trade, and increase the profits of the rural population.

Low rural employment compels us to diversify crops, to process raw materials to a much greater extent, and to establish handicrafts and manufactures which give addi-

tional work to the individual and improve his standard of living.

We shall redouble our age-old and arduous struggle against nature. There are untapped resources in the mountains and subsoil, in the seas and rivers, which we shall utilize with the boldness of a young nation that has faith in its destiny.

Far from converting the forests into wastelands, let us make the deserts more productive. Many arid zones can be incorporated into our agricultural economy. Our still extensive forests require careful and intensive exploitation. Greed, like poverty, depletes our forest wealth and threatens the ecological balance. Let us learn to respect the forests, to make them grow, and use them for the benefit of man.

The government, fishing cooperatives, and the private sectors must face the problems of extracting, storing, and distributing fishing products through a coordinated program. Although our coastline is over 10,000 kilometers long, for centuries, we have utilized only a small part of the wealth of the sea.

The resources of the subsoil are not renewable. Their irrational exploitation jeopardizes the future of the country. Mining, which was an enticement for our colonial domination must now contribute to our economic independence. It is not enough for Mexicans to purchase shares in foreign companies. It is also necessary to improve the operation of the mines for the benefit of the country, continue exploration, apply better methods, and process the products so that the participation of mining in foreign trade does not decline.

The struggle for our oil arose out of the will to attain autonomy and made it possible to undertake industrial development. Today, the strength and prestige of all the enterprises administered by the people through the state depend, in large measure, upon the efficiency of the oil industry. We shall increase technological research in order to produce at lower cost and multiply the uses of oil. We shall intensify as well the exploration of the continental shelf and other zones of our territory.

Petrochemicals is the industrial sector that grows most rapidly. It has permitted the mastering of advanced technologies, offers vast possibilities for new products, and is a decisive factor in the improvement of agriculture. We must develop this industry at a faster rate by encouraging private initiative, as well as, the aspects that the government deems necessary to safeguard the national interest.

The electric power industry has doubled its capacity in less than ten years and integrated its services under the effective control of the nation. We shall continue the electrification of the country as the point of departure for a power policy which would contribute to the decentralization of industry and bring the benefits of progress to the countryside.

Income from tourism partially offsets our foreign trade deficit. This activity which developed on its own for a long time is now a highly specialized business. Neither the appeal of our ancient cultures nor the beauty of our landscapes can compensate for the deficiencies in services. We shall channel more funds into the infrastructure of tourism and encourage the improvement of its facilities.

Tourism is a source of human exchange and international understanding. We are likewise interested that it provide the stimulus for Mexicans to travel the roads of the country more often, and show them to their children. Furthermore, we are alarmed by the fact that the expenditures of nationals abroad are increasing more rapidly than those of foreign tourists in Mexico. Nothing can justify the wasteful or extravagant spending, often in bad taste, by which some of them parade abroad the flaws of our income distribution.

Mexico has a clear awareness of its history and its position in the world. We achieved independence when the collapse of modern colonialism was barely beginning. We suffered the political and economic ambitions of the great powers for over a century. In times now past, we underwent injustices, lack of understanding, and violence. Now, we demand respect for our independence and, for all countries, we wish justice and peace.

In foreign policy, the banners of the Mexican Revolution will be kept well aloft and we will maintain its principles intact: juridical equality among nations, nonintervention, and the self-determination of peoples.

We shall strengthen our ties of cooperation and brotherhood with the nations of the Indian-Latin community of the American continent. Not only do we share common historical experiences, traditions, and cultural similarities but, principally, the will to reclaim our resources in order to guarantee our sovereignty and attain freedom through development.

A new era, more aggressive and mature at the same time, is beginning for our nations. This is evident in the identity of purpose with which we act and in the dynamic drive to transform anachronistic structures within our countries and in our foreign relations.

Latin American integration calls not only for the union of our markets but also for that of our productive potential. We must create large-scale economies that will make the most complex industries profitable and competitive in the world markets. We shall propose the establishment of multinational enterprises that will integrate the initiative of our investors, utilize the raw materials of various countries, and take advantage of the most advanced techniques and institutional sources of international credit. At the same time, we shall also propose the creation of multinational Latin American research centers.

The path a country chooses to follow is worthy of respect. Our own Revolution was not imported nor have we tried to export it. Countries that seek to impose their solutions on others violate the basic principles of the international community. What is more, they divert resources that could contribute to the well-being and freedom of their own people. Mexico will go on, firmly rejecting all interference in its internal affairs, under whatever ideological label it may be disguised.

We are not a walled country. Our borders are open to human, economic, and cultural communication. We wish to strengthen our existing relations with the United States and Guatemala, on a basis of mutual respect, spirit of fair play, and real understanding between our peoples. The nation may be certain that my administration is setting out with the intention of maintaining harmony and goodwill.

Mexico is receptive to all intellectual, scientific, and economic currents that contribute to man's development. We will broaden our relations with the countries beyond the two oceans, strengthen those we have had for some time with the European nations, and seek more effective formulas for trade with the countries of Asia, Africa, and Oceania. We shall diversify our foreign policy with positive promotions which foster our development. If the peace we desire is to be equitable and lasting, it must be based on the endeavour of each country to attain prosperity.

Honorable members of Congress: At the end of my political campaign, I made a statement I would like to repeat now, that during the last six years Mexico has had at its helm a man unusually gifted in public service whose stern character and unshakable patriotism will set him down in history alongside the great founders of our nation: Gustavo Diaz Ordaz.

The magnitude of public works, the impetus given to land distribution, and the defense of the rights of labor carried out by the government during the last administration constitute decisive advances in the institutional transformation of Mexico.

President Diaz Ordaz reaffirmed the essential principles upon which our political organization rests: he prevented public order from being destroyed and freedom from being writen off in its name. He maintained the authority of the state above interests and passions and vigorously extended the nation's sovereignty.

Thanks to the consistency of his work as chief executive and the skill with which he guided our public life, the country today embarks upon a new stage of its administration with internal peace, civic enthusiasm, confidence and optimism.

With deep conviction I have sworn loyalty to the Political Constitution of the Republic. The Charter by which we are governed represents the culmination of a long struggle by the people and is their best instrument to build their future. It transformed a political movement into a just social and economic program. Under the Constitution we will attain goals that justify prolonged sacrifices.

To those who had the extraordinary vision to be able to see into Mexico's future; to those who understood the historical process and accurately laid out the juridical framework for peace, order, freedom, independence, and progress of future generations; to the venerated Constitutent Deputies of 1917, I again pay homage of gratitude, respect, and admiration.

The continuity of institutions depends upon the men who unceasingly remodel them. Historical awareness is fortified by critical awareness. We are very far from having reached a definitive stage in our evolution and we are willing to change everything that delays the advent of a more democratic society.

We have left behind the times when political activity was the seed of conflict and violence. The electoral campaign leading up to the change in the legislative and executive branches was an example of patriotic responsibility and interest. Instead of arousing discord, it established closer union among Mexicans.

The misfortunes we deplore were not caused by lack of understanding or hate, but by full devotion to the service of the country. I pay heartfelt tribute to the Mexican newspapermen who lost their lives, in a lamentable accident, in the line of duty.

We shall insist that our electoral processes be improved, that political parties and ideological activity be strengthened; that civic conscience be more alert and always truthfully informed; that the citizens be more demanding with the government they have constituted. We could not improve the operation of the government if we did not also improve all the forms of our common existence, since political society can only grow adequately from a sound base.

Freedom must be guaranteed by the government; the people build democracy each passing day. I shall ensure respect for the dignity of the Mexican people, in particular, of the poorest of them, who frequently suffer the affront of arbitrariness, the servitude of exploitation, and the blight of poverty.

For us, it is necessary that the general consciousness mature through self criticism. Let us objectively examine our own conduct and consider whether we are making a useful contribution to society. Let us radically change some of the patterns of thinking we inherited from past centuries.

Let us eradicate venality, suspicion, and lies, wherever they exist. Let us perpetually

maintain mutual respect and human solidarity. Let us turn our offices, our *ejidos*, our unions, our cooperatives, our associations, and our companies into classrooms for the practice of good citizenship. So that day-to-day relations shall always be in accordance with the ideals we profess.

The educational function of our families and their moral and progressive convictions are fundamental for society. The home must increase its cohesion and spiritual force at present. A family without understanding, without dialogue, is an anachronism that distorts civic life at its very foundations. The responsibility of parents in this area is more serious than that of teachers or those who govern.

Women have more than proven their capacity to enrich the cultural, economic, and political life of the country. They have demonstrated their understanding of the real problems of society and have contributed actively to their solution. We shall encourage the full exercise of their creative powers. Within a few years, women will have achieved full equality with men, in rights, duties, and opportunities, in the various areas of national life.

The youth of our country are introduced at an early age to productive activity and responsibility. Their creative potential contributes to social change. The government of the Republic shares their just ambitions to advance, and counts on their energy to transform Mexico. We shall encourage greater opportunities for the new generations in education and jobs. We shall stimulate their aware and positive participation in political activity within the party or current of thought that best suits their aspirations.

The creators of the Constitution wished to encourage the formation of democratic centers that would prevent new concentrations of power and wealth; that would be models of self-government and active promoters of progress. Therefore it is impossible to conceive of a strong nation that is composed of weak municipalities. We shall foster the smallest entities of our political society because therein lies our road to true greatness.

We shall work toward the establishment of satisfactory living conditions throughout the country and at the same time, we shall establish units of coexistence within the big cities, in order to promote cooperation, prevent waste of time and effort, expedite the administration of justice, and place authority at the service of the people.

Our system is more than a legal formula, it constitutes the deep-rooted structure of the nation. I will never forget what I observed and the lacks I found on my lengthy tour of the country. I realized that the unmistakeable regional characteristics that are growing more marked with time are being fused in the great national task. This reinforced my conviction that, to be faithful to my mandate, I must promote the development of all the federal territory.

The balance of powers guarantees the democratic exercise of authority. The will to cooperate and absolute respect for the sphere of action of the legislative and judicial branches has been, and will be, the invariable norm of the executive branch. The ideology of the constitutional system and the aspirations of the Mexican community are the elements that unify us.

The armed forces of the republic are an essential part of our democratic system. The great advances of our history are due to the victories of the people on the field of battle. Our armed citizens overthrew the interests and social structures that opposed progress and with unshakable loyalty safeguarded the independence of the country, internal peace, and the existence of law.

The armed forces of land, sea and air are an expression of the people. They share in their desire for justice, love the liberty for which their elders fought, resolutely practice social solidarity, and are a symbol of patriotism. They deserve the respect, affection, and gratitude of the nation.

Fellow citizens: I come to the presidency of the republic without resentments and with no undue ambitions or desires to satisfy personal interests or those of any group. I am incapable of simulation, I believe in the doctrine of the Mexican Revolution, and I have been trained in the discipline of public office. I consider that the man in authority is committed, more than anyone else, to carry out his task with complete integrity, never blemishing his investiture with abuse of power or relinquishment of principles.

Public office and business are incompatible occupations. The government official who uses the property or authority with which he has been entrusted for his own benefit is betraying his country. He who does not devote himself to public duties to the very limit of his capacity and strength, is defrauding the people. The tasks of the nation call for the elimination of misconduct in the exercise of duty, perfecting organization, and improving the efficiency of authority at all levels.

I will not interrupt the dialogue I have begun with my people. I will continue visiting the various regions of the republic, particularly, those requiring most attention and encouragement. I will listen to my fellow countrymen and continue to speak the truth to them. I will govern by virtue of the inspiration and energy of the citizens. On each day of my term of office, we shall renew the pact of agreement and understanding established through the vote.

The Mexican people were never daunted by the grave challenges of history. On this day, I call upon them to reaffirm the staunchness of their principles; to live to the full the rich philosophy of the Constitution of 1917.

Let us resume the constant task of past generations with fresh energy. Let us move upward towards the future we wish for Mexico. Let us give our national alliance new life. Let us move ever forward, untiringly and unswervingly, in our progress.

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## EULOGY OF MISS CROUCH TO JUDGE HAYES

Mr. JORDAN of North Carolina. Mr. President, a little more than a month ago North Carolina lost a very distinguished citizen and one of its most eminent jurists with the death of Federal Judge Johnson J. Hayes, of North Wilkesboro.

Judge Hayes was a man of deep conviction and a sense of history as well as a keen knowledge of the law and his passing marked the end of a memorable era in that mountain area of which he was so much a part and loved so well.

A few days ago there came to my attention a eulogy to his memory, written by Miss Lettie Crouch, of Mayodan, providing an insight into the nature of this outstanding man. I wish to share her thoughts about him with the Senate.

I ask unanimous consent that the text of her article, published in the North Wilkesboro Journal-Patriot, be printed in the RECORD.

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

JUDGE HAYES SAT ON THREE BENCHES

(By Lettie E. Crouch)

Once a judge came to Salem College and spoke to the students, during a chapel service, of his work. Grave and unsmiling, he told of lying many a night on a sleepless pillow wrestling with the serious decision he must make in the court room on the morrow.

A Wilkes lawyer who taught a Men's Bible class once told me that he considered the lawyer's work more important than the preacher's. I pondered his words and decided he was partly wrong. The preacher more often sways the heart, while the lawyer appeals to the head. The heart and the head are vital integral parts of man. Man's conduct is the result of these inseparable factors.

Judge Johnson J. Hayes, age 84, was called October 22, 1970, to appear before the Supreme Judge of the Universe. When the Death Angel come with heart-break suddenness, he was walking with a friend among the thousand hills that rise in the "Original County of Wilkes." He was observing his herd of cattle grazing peacefully on the hillside.

In young manhood, Judge Hayes, following the dictates of his head and the pull of his heart, resolved to study law. To this study he dedicated his mental powers. Years passed. Came the day when he sat as judge in Wilkes County Court House, Greensboro, Richmond, New York, Detroit. The newspaper headlines of several states reported the decisions of Federal Judge Johnson J. Hayes.

The Salem teacher told her English class about the Mayflower Award given annually for the best book written by a North Carolina author or an out-of-state author writing on a North Carolina theme.

North Carolina "Culture Week" December 1962, was in session at Hotel Sir Walter in Raleigh. Friday night, time for the Mayflower Award, came. To the Sir Walter also came Judge Johnson J. Hayes. He had written a large thick book of 577 pages, a history book entitled "The Land of Wilkes".

For months that grew into years Judge Hayes had been sitting on the History Bench. He had been copying old courthouse records, reading old letters, newspapers, studying maps, the Bible for records of births, marriages, deaths, collecting pictures of Wilkes leaders, visiting old buildings copying the roster of Wilkes Confederate soldiers. The history has such detailed records as Reason Bell, appointed 1841, one of three committeemen of a public school. Reason's nephew, a Spanish American War veteran, W. R. Bell, now living in Mayodan, received a letter from President Nixon on his 98th birthday. At one time Boomer School, on six acres of land, did not have a typewriter, but had one piano. Clingman School had two pianos, year 1958. Wilkes Schools had 42 adding machines, 371 teachers.

To my disappointment the Wilkes book did not receive the Mayflower Award. Who knows? With a dozen books pleading "Give me the Cup," the besieged judges may have tossed a coin to settle their dilemma, and given the word to the reporter impatient to report the news to the Saturday morning paper.

As for me I treasure the autographed book having the names of my great grandparents, great uncles, and names of my dear mother's classmates at Trap Hill Academy who made splendid records as American patriots.

At Hotel Sir Walter I asked Judge Hayes his stand on capital punishment. He did not go into the pros and cons of crime deterrent. He was forthright and said he did not think capital punishment should be abolished for four crimes, arson, murder, rape, treason. Then he turned from me to give his attention to someone else waiting to speak with him.

About the Church Bench, the third of Judge Hayes' trinity of benches. My teacher friends and cousins have attended Wilkesboro Baptist Church and listened to Judge Hayes teach Sunday School Bible.

There I attended a meeting of Wilkes County Historical Society over which the Honorable T. E. Story presided. That night Miss Ruth Linney was appointed to help select historic Wilkes Sites.

Judge Hayes quotes Dr. Paschal, professor of Greek at Wake Forest, as saying a noted Baptist minister visited Mulberry Fields Meeting House 1771, or 1772, site of the Meeting House now covered by the town of Wilkesboro.

Jurist, Historian, Bible Teacher. Of his character and service for human uplift, let the poets, who have more eloquence than I, speak. "An honest man's the noblest work of God".

"An upright judge, a learned judge!"
Hear the peerless young lawyer, Portia:
"The quality of mercy is not strained,
It droppeth as a gentle dew from heaven.
And earthly power doth them show likest God's
When mercy seasons justice."

Finally, the book Judge Johnson J. Hayes read and studied all his life, the Bible:

Blessed is the man that walketh not in the counsel of the ungodly, nor standeth in the way of sin.

## INCREASE IN WEST EUROPEAN CONTRIBUTION TO NATO INADEQUATE

Mr. PEARSON. Mr. President, the announcement that the Western European nations have agreed to increase their contribution to NATO defense costs is being hailed by some as a victory for U.S. policy. But in actual fact it is a defeat.

The European NATO partners have apparently decided to increase their spending by a total of about $950 million over the next 5 years, or about $190 million a year. The fact that they have agreed to increase their contribution is not without significance. But when compared with the increases they are capable of making and should be making the pledge being officially announced in NATO today turns out to be mere tokenism.

Mr. President, the Western European nations have never carried their fair share of the NATO defense cost burden. This was realistic and acceptable in the early years when their economies were weak. But today when their economies are strong and prosperous and when the demands on the U.S. budget are so enormous, this continued shirking of their responsibility is becoming increasingly intolerable.

For several years, now, our NATO partners have known of the growing resentment in this country over the fact that we have had to bear such a disproportionate share of NATO costs and yet they now, after long and supposedly serious study, come up with a figure which is only a fraction of what their increased contribution should be.

Mr. President, we maintain over 300,000 U.S. troops in Europe. The total allocation of the Defense budget is $14 billion a year including both troops in Europe and backup contingents stationed here. The total annual budgetary operating costs of U.S. forces in Europe are around $3 billion. Of this about $1.5 to $1.8 billion is a balance of payments loss to the United States.

The United States spends about 9 percent of its GNP on defense. The European members of NATO spend only about 4 percent. They could and should be spending more.

To help offset our budget costs and reduce our balance of payments losses the Europeans should increase their spending by at least $1 billion a year. The pledge of $190 million per year is only about one fifth of that figure. It is disappointingly low. It is inadequate.

## THE FACTS ON SHOE IMPORTS ARE STILL SHOCKING

Mr. McINTYRE. Mr. President, the facts we are able to obtain on shoe imports continue to be shocking.

The number of shoes imported is fast approaching 50 percent of the domestic need for shoes. It is predicted that unless we do something about shoe imports, they will take more than 50 percent of the market by 1975.

This means jobs are taken from American workers.

This means businesses will fail.

This means our economy will suffer.

It is expected that more than 85,000 job opportunities for American workers will be lost to shoe imports this year.

By the year 1975 it is expected that more than 175,000 job opportunities will be lost unless we do something now.

I do not believe we can afford this to continue in our Nation which is already so sorely beset by unemployment.

I know that many argue that cutting back on shoe imports will increase the cost of shoes to the consumer.

Mr. President, I have just had made available to me the results of a study which indicates that if limits had been placed on shoe imports in 1969 such as we propose in the trade bill the retail prices of shoes would have increased a matter of only six-tenths of 1 percent since that time.

I do not want to see prices go up in a period of inflation. But, if you compare such a price rise with increases taking place for so many other products I think it is a small price to pay for saving the jobs of thousands and thousands of American workers and the future existence of dozens of American businesses.

Mr. President, we need to keep the facts before us.

We need to realize just exactly what is happening to the domestic shoe industry because of imports.

I ask unanimous consent to have printed in the RECORD some up-to-date facts and figures which are important to keep before us if we are to make the right decision on the trade bill which I hope will be before the Senate soon.

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

FACT SHEET ON FOOTWEAR

1. Shoe imports are increasing at an alarming rate, while exports are insignificant.

| Year | Imports | | Exports | |
|---|---|---|---|---|
| | Pairs | F.o.b. value | Pairs | F.o.b. value |
| 1955 | 7,810,000 | $13,571,000 | 4,639,532 | $14,362,113 |
| 1960 | 26,617,000 | 53,257,000 | 3,244,316 | 9,399,731 |
| 1965 | 87,632,000 | 118,478,000 | 2,491,038 | 7,829,566 |
| 1968 | 175,438,000 | 328,543,000 | 2,883,444 | 8,127,790 |
| 1969 | 195,480,000 | 429,506,000 | 2,324,147 | 8,180,700 |
| 1970 estimated | 237,000,000 | 558,000,000 | 2,100,000 | 8,600,006 |

2. Footwear penetration:

PERCENT OF TOTAL MARKET SUPPLY

| | |
|---|---|
| 1966 | 13.0 |
| 1967 | 17.7 |
| 1968 | 21.5 |
| 1969 | 25.4 |
| 1970 [1] | 29.5 |
| 1975 [1] | 50.0 |

[1] Estimate. All other data from U.S. Department of Commerce

3. The U.S. footwear industry has projected footwear imports for 1975 to reach 470 million pairs. This would be 50% of an estimated consumption of 940 million pairs which is to say that by 1975 imports will be equivalent to 100% of an estimated domestic production of 472 million pairs.

4. The imbalance in footwear trade is caused mainly by the wide wage differential existing between the U.S. footwear industry and those in foreign countries. Average hourly labor costs for 1970 including fringe benefits are estimated as follows: U.S., $2.90; Italy, 1.25; Japan, 80¢; Spain, 65¢; Taiwan, 23¢; and South Korea 14¢.

5. A common misconception in the footwear industry is that inexpensive imports help curb inflation. This is a complete distortion of the facts. Imports make up less than four per cent of GNP and have increased as fast as domestic product prices. If quotas had been in effect in 1969, wholesale footwear prices would have increased only 1.3 percent. Retail prices: 0.6 percent. This constitutes a very small hike when compared to price jumps of other goods and services.

6. Several thousand footwear and supplier factories in 42 states employ more than 350,000 people. In many cities and towns, footwear plants are the main source of community income. Footwear imports mean a growing loss of job opportunities in the U.S. footwear manufacturing industry. In 1969, 76,250 job opportunities were lost because of footwear imports. In 1970, imports are expected to eliminate 87,800 job opportunities; and by 1975, they could mean a loss of 169,200 opportunities in footwear manufacturing. Between August 1969 and August 1970, there was a net drop of over 9,000 workers in the shoe manufacturing industry.

7. The U.S. footwear manufacturing industry employs many workers from groups where unemployment is greatest. With a decline in domestic production and employment as imports grow, the industry will offer no opportunities for jobs as critical unemployment problems mount.

Mr. McINTYRE. Mr. President, may I conclude by expressing my appreciation to those members of the Senate Finance Committee who yesterday stood up to pressures from the administration and others who seem to care little about the plight of the shoe workers and refused to let a cruel blow be dealt to these Americans by dropping the shoe section out of the trade bill. Many American shoe workers slept a little easier last night.

## SST IMPORTANCE TO INDUSTRY AND ECONOMY

Mr. TOWER. Mr. President, I have the greatest respect for professional training, professional expertise, and professional advice. Few of us are expert enough to be familiar with all the fundamentals, all the relationships, and all the details in any single field of professional knowledge. Probably none of us can call ourselves experts in all the disciplines which are required to understand and to reach a sound decision on the U.S. SST program. So we seek the advice of experts, and we should consider their advice and conclusions most carefully.

But we should consider the advice from each discipline carefully in the light of that discipline alone. We should ask ourselves whether the advice from one discipline is being used in applications outside its breadth of expertise. Indeed, we should also be most careful in determining whether the opinion from one professional discipline has been unduly influenced by information or misinformation from another discipline.

It seems to me that most of our problem in understanding the SST program is that we are getting much advice from various experts which is strongly colored by misinformation about other disciplines. We see environmentalists who say that the SST is economically infeasible. We hear from technical critics, who say that private enterprise should undertake the entire financing burden. We have been asked to consider the opinion of 15 economists who were solicited, largely through telephone and informal notes, by an environmental group called the Coalition Against the SST.

Now these economists are all capable of giving us expert, valuable advice in their own areas of experience and in the absence of misinformation. But it turns out that nine of this group assumed, or indicated that they believed, the program to be a Federal Government subsidy. We do not know how many, if any, understand that the United States is competing with foreign SST programs completely subsidized by Britain, France, and the Soviet Union. But 12 of the 15 economists indicated by their response that they did not understand there is an international effort by Europeans to revise the trend whereby the United States provides 85 percent of the world's civil aircraft.

Nor do we know if these economists are aware that the U.S. Government will be repaid its entire investment in this program through royalties at the sale of the 500 aircraft, yielding an additional billion dollars to our treasury? Since 10 of the economists assumed or indicated that the SST was an environmental hazard, could they have gone on to consider the effect of a successful SST program on the U.S. economy?

Could they have recognized, then, that beyond the $2.2 billion direct royalty return on loans, there would be a $6.2 billion return of Federal and local taxes? Or did they consider the effect of $10 billion in exports on the economy; or the effects of 150,000 jobs in the United States?

Rather than relying on expert economists who obviously do not have all the facts, or who have been supplied with misleading facts, I would prefer to rely on some hard facts which require no particular expert interpretation.

Exports are important to this country, to maintain a stable dollar, to maintain credit abroad, to permit foreign purchase, foreign travel, foreign aid, as well as to provide a healthy domestic economy. If we want a high standard of living in this country, we must sell products which use highly skilled labor and which can compete with foreign products. We have been losing out in this game over the last few years and there are not too many products left that we can sell competitively.

We have lost out on steel, shipbuilding, and movies, and, in 1969, for the first time, we imported more dollars in automobiles than we shipped abroad. In other manufactured consumer goods, we were almost $4 billion in the red during 1969. In 1968 and 1969 we dropped into the red on food and beverages for the first time in 10 years. When we consider all the fuel, raw materials, and supplies we must import, it takes little expertise to appreciate our need for selling exports abroad.

Our aerospace industry provides one of our most lucrative exports, and it certainly provides sales for much of our highest-skilled talent. Without the assistance of expert interpretation, we are beginning to learn by direct, rueful experience here in this country that unemployed aerospace specialists are not easily hired into an unfavorable labor market. Those of us with unemployed aerospace workers at home are beginning to experience this effect on general unemployment and on general loss of tax revenue. It takes no expert to choose between a healthy, thriving aerospace industry abroad and a healthy, thriving aerospace industry in the United States.

I understand that a number of the more liberal members from both parties, Republicans and Democrats alike, have returned to this session with a strong determination to get the economy of this country rolling. They are resolved to stimulate our economy, to establish more jobs where they are needed, to move decisively and promptly in this direction. Our SST program provides the first opportunity for this type of action. We must start our SST rolling now to meet the foreign competition, to reinforce one of our more valuable and sensitive industries, and to get our higher skilled talent off the welfare rolls and back onto the tax rolls.

Mr. President, I believe I and many of the Members of this body qualify as experts on the value of the SST because we have heard more of the facts than have the experts whose advice we have sought. Having had these facts as well as this expert advice, I can only conclude that: Our U.S. aircraft industry can produce a competitive SST only with Government assistance; the industry requires an SST to meet subsidized foreign competition; a healthy U.S. international and domestic economy is strongly dependent on a healthy U.S. aerospace industry.

Mr. President, for those who are concerned about the state of our economy, the state of our employment, and the state of our aerospace industry, I think the best opportunity for constructive action is to proceed with our own U.S. SST program while we still have the possibility of meeting this foreign economic threat.

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## VOLUNTARY PRICE AND WAGE GUIDELINES

Mr. MOSS. Mr. President, during the recent political campaign, I repeatedly called for the administration to adopt voluntary price and wage guidelines as a necessary step toward curbing inflation.

I am delighted now to see that the Deseret News has editorially called for the same move. The final paragraph of the editorial sums up my position exactly by saying:

> Without voluntary guidelines, there may be no effective way to control inflation except mandatory wage and price controls, which would impair the efficiency and freedom of the economy. The choice should be clear.

I ask unanimous consent that the entire editorial, published November 24, 1970, be printed in the RECORD.

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

### TO HELP SLOW INFLATION, TRY PRICE GUIDELINES

The national administration is not yet prepared to call for voluntary wage-price guidelines to help slow inflation.

That's the word out of Washington as the President's Council of Economic Advisers prepares to issue this week its second anti-inflation alert pinpointing some of the latest major sources of price rises.

It's too bad the administration isn't prepared to escalate the war on inflation. It's too bad because, judging from the election returns, Americans aren't satisfied that the steps taken so far against inflation have been as effective as they should be; because it's an unavoidable fact of life that inflation can be curbed only if wages and prices increase no more than productivity does, as contemplated by the guidelines; and because voluntary guidelines have worked before in keeping the economy from overheating.

"Just as many motorists will not automatically follow sensible ways of driving unless there are some traffic rules or signs, business firms and unions cannot be expected to exercise needed price and wage restraint without some indication that others will be asked to do the same in the context of some sort of ground rules that spell out the public interest."

This point was made only today by the Research and Policy Committee of the Committee for Economic Development as it voiced a strong plea for a return of voluntary wage-price guidelines along with some sensible recommendations for implementing the guidelines.

The fact-finding functions of the new "Inflation Alert" system should in appropriate cases be used, the committee urged, to highlight important prospective wage and price developments rather than being solely directed at decisions that have already been taken.

The President's new National Commission on Productivity should be assigned the task of developing broad norms of appropriate

non-inflationary wage and price behavior that would give some guidance to business and labor groups which may be affected by Inflation Alerts.

The commission should be authorized to publicize reports on instances of wage and price behavior by individual unions or companies that deviate substantially from the established norms.

There's no getting around the fact that when one union wins an exorbitant contract settlement, other unions feel compelled to seek similar benefits via similar tactics . . . that there's a sharp limit to the higher wages and fringe benefits that industry can grant without passing the higher costs along to the consumer . . . and that inflation alerts ought to be issued not just for labor and management but also for government at all levels, since government spending contributes to inflation in a big way.

By no stretch of the imagination does this mean labor must forget about getting ahead economically. America's productivity is increasing all the time, permitting wages to advance accordingly. Only when wages and prices increase faster than productivity do they become inflationary—and then nobody really gains.

Without voluntary guidelines, there may be no effective way to control inflation except mandatory wage and price controls, which would impair the efficiency and freedom of the economy. The choice should be clear.

## THE AGRICULTURAL ACT OF 1970

Mr. DOLE. Mr. President, now that the farm bill is passed, it might be well to answer some of the charges made on the Senate floor. It would be well to correct some of the distortions presented in consideration of approval of the conference report on H.R. 18546, the Agricultural Act of 1970.

DISCRETIONARY POWER

Several Senators repeated claims that the new bill gives the Secretary of Agriculture "broad discretionary powers." I would call to your attention that the present legislation allows the Secretary to establish the loan level for commodities at any level he sees fit. The new bill placed a minimum loan on each commodity, $1.25 per bushel for wheat, $1 per bushel for corn. In the case of cotton the minimum loan provisions are comparable under both acts. Is this discretionary power?

Furthermore, the set-aside provisions of the new bill are limited for both wheat and cotton far more than the present legislation.

FEED GRAIN PARITY

Another assertion was, "feed grains producers will lose millions in the next 3 years by lowering mandatory support levels from 75 to 70 percent." Not true. At present, 75 percent of parity would be only $1.34, while the bill guarantees $1.35 per bushel. Also the present payment limit is 65 percent and the new bill raises this to 70 percent.

DOMESTIC ALLOTMENT

Another assertion: "The domestic allotment—on wheat—would evidently be fixed at 535 million bushels and not allowed to go up." The 535-million-bushel figure is the minimum domestic allotment. For years confusion has surrounded the difference between total allotments and the domestic portion on which support payments are made. The 535 million bushel minimum level is the same as the current domestic consumpton and provides assurance the present level of payments will be maintained.

DROP IN INCOME

Another assertion: Farm income will drop $1.25 billion in the next 3 years as a result of this legislation.

Without powers of looking into the future, this statement will have to be confirmed or refuted by history. However, the intent of the conferees who approved the report was to provide income protection to the farmers—that is to maintain farm payments at the present level and give the producer an opportunity to plant more acres of a crop that will make him the most money and increase his income.

The assertion was made under the assumption the Secretary of Agriculture will be totally negligent in following the guidelines set out repeatedly in the bill. In the bill, when the Secretary is provided certain discretionary powers, these powers are qualified by restrictive direction such as: "The need for an adequate carryover, to maintain reasonable and stable supplies and prices—and to meet a national emergency." Under such qualifications how can any Members of the Senate assume the Secretary of Agriculture will do anything but administer the program in accordance with these directions. Certainly, mistakes can be made. In recent years the Secretary of Agriculture has made errors under the discretionary authorities granted him. Wheat, cotton, and rice growers are well aware of how changes can invalidate the judgment that goes into any projection.

PUT SOME LIFE IN THE COUNTRY

Now let us examine some of the alleged "strategy" the administration used in creating and passing the farm bill.

Nothing could be further from the truth. This is truly a bipartisan bill. In addition to Secretary Hardin and his staff, the bipartisan Agriculture Committees of both Houses are equally responsible for its content.

President Nixon is deeply concerned about the future of rural America. As he said in his Executive Order 11493:

> A viable rural America would offer an opportunity for farmer and other rural residents to share in the economic growth of the country.

President Nixon wants to put "new life" in the country. The administration wants to improve rural America by increasing the income of the farmers—by improving the living conditions of all rural residents.

For many years the rural population of this Nation has been dwindling from over 6 million in the 1930's to less than 3 million today. The administration is concerned that these people have been forced to leave the farm to make a living. These people migrated to the urban centers and to the industrial complexes where our social problems exist today.

Rural America offers the space for the future growth of this Nation. Too many rural communities are ghost towns today, and hopefully, we will be able to put some life into these communities so the persons living there will have adequate employment, health facilities, protection, housing, communication, and recreation in an unpolluted environment.

Title IX of the farm bill provides some guidelines and requires some reports by governmental agencies that will furnish good foundation for future rural development legislation. I was proud to join the distinguished junior senator from Georgia (Mr. TALMADGE) in cosponsoring this title to the bill in the Senate Agriculture Committee. I join him in the hope this provision of the bill will be helpful in expanding the importance of rural America and thereby assist in maintaining the small farm operations existing there.

Early in the next session of Congress the President will send a major message to the Senate with suggestions on how to further improve this rural viability. It will deal with the environment and development of rural America.

FARM PROGRAM OR NOT

The Agricultural Act of 1970 is not a panacea for the crisis facing American agriculture. I said on the floor of the Senate the day we considered the original bill that it is not perfect. Then, during the discussion of the conference report, I stated that it is not merely a question of whether this bill is good enough—for I acknowledge it has weaknesses—but it is a question of whether we have a farm program. Some of those opposing the measure would have been hard pressed had they been successful in rejecting the conference report when their alternative bill could not be approved by the urban dominated House of Representatives. The farmer would have paid for their rhetoric. Their distorted projections based on false assumptions placed the whole farm program in jeopardy.

The Department of Agriculture has made projections on what we may expect from this legislation. I do not hold up these projections as any more accurate than those we could have predicted for the outcome of the Agricultural Acts of 1958 and 1965. Generally, however, these projections do indicate that our farmers can expect at least the same income they had the past year, and they have some new options which may improve their income. The Department of Agriculture feels this bill is better than either alternative we would have faced had the report been voted down.

It seems logical that we should take advantage of the many months of work by the Agriculture Committees of both Houses and the Department of Agriculture, allow the Department to administer the proposed plan, and let history write the conclusion and comparison.

FEWER FARMS

Let us compare the number of farmers who stayed on the farms during the past 12 years under the acts of 1958 and 1965. According to statistical reporting service figures, the number of farms declined steadily from 4,105,000 to 2,895,000 farms between the years 1959 to 1970. This is a drop of 29.5 percent—nearly one-third of our farm population. Since neither the Benson plan nor the Freeman

plan were successful in maintaining our farm communities, it seems reasonable that we should afford this new legislation—after nearly 2 years of work by both Houses of Congress and the Department of Agriculture—an opportunity to succeed.

Agriculture is the largest and most important industry in the State of Kansas. Furthermore, as a member of the Senate Agriculture and Forestry Committee, I have an obligation to all the farmers of this Nation. While I recognize the possible improvements that could have been made, the distinguished chairman of the Senate Agriculture Committee commented that—

On wheat, corn and other feed grain provisions of the conference report, I think the farmer will fare better.[1]

I would add that I hope the projection of the Secretary of Agriculture is correct that cotton producers will also enjoy improved income.

Every Member of the Senate represents a considerable agricultural constituency. These producers are the backbone of this Nation. They provide the best food in the world—at the best prices in the world—for the best people of the world. To make them face further indecision at this time and to face return to the unacceptable program of the Agricultural Act of 1958, would have been a disservice.

Such alternatives were the reason the majority of the Senate approved the conference report. The approval testifies to our faith in the Department of Agriculture to administer the program to the advantage of the farmers of this Nation.

## REACTION OF FOREIGN GOVERNMENTS TO PROPOSED TRADE LEGISLATION

Mr. JAVITS. Mr. President, I have received from the State Department's Assistant Secretary for Congressional Relations, David M. Abshire, a collection of notes and public statements on the reaction of foreign governments to the proposed trade legislation now under consideration in Congress. I ask unanimous consent that Mr. Abshire's transmittal letter and the summary of the reactions of foreign governments be placed in the RECORD at this point.

Mr. President, on November 30 the Committee on Finance issued a press release outlining the actions that the committee had taken in regard to the Trade Act of 1970. The committee announced that the Trade Act will be reported to the Senate floor as an amendment to the Social Security Act, a development that I find most regrettable. The press release from the Finance Committee details the changes made in the House-passed trade bill and I was interested to note that the Finance Committee has added meat quota provisions as well as addressed the question of the United States-Canadian automobile agreement which is now under discussion in Ottawa by representatives of both Governments.

[1] CONGRESSIONAL RECORD—NOV. 19, Page 38101.

It is my view that the meat quota provisions of the bill could well insure a rise in the price of beef in this country. The increase in the cost of beef would continue to outpace the rise in the cost of living even more—as has been the case since the more limited quota provisions have been in effect. Also, these new provisions will tend further to strain our economic relations with the beef exporting nations of Central America as well as with Australia and New Zealand. Concerning the past price increases affecting beef in the period of time limited quotas have been in effect I refer to the letter Governor Rockefeller sent to President Nixon on this subject which I inserted in the RECORD on August 28, 1970.

Questions must also be raised concerning the legislation proposed by the Finance Committee which would affect the United States-Canadian automobile agreement. At this time I would suggest that there are even broader issues involved such as those affecting the energy requirements of the United States. I ask unanimous consent that the article on this subject published in Business Week of November 28 be printed in the RECORD.

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

SUMMARY OF FOREIGN GOVERNMENT NOTES AND STATEMENTS ON PROPOSED U.S. TRADE LEGISLATION

CANADA

In a note delivered to the Department of State on November 6, 1970 the Canadian Government "noted with concern that the trade legislation now being considered by the United States Congress contains a number of proposals which both directly and indirectly could have serious adverse implications for Canada, further adding that "In the view of the Canadian authorities, such legislation, if enacted, would have an unfortunate effect on the direct flow of trade between our two countries. Even more importantly, it would not only threaten to deprive the United States of its traditional positive role in the general move towards freer trade, but could adversely affect the willingness of other nations to continue their own efforts towards liberalization."

LATIN AMERICA

On November 3, 1970 Latin American members of the Special Committee for Consultation and Cooperation of the Inter-American Economic and Social Council adopted a resolution reflecting their concern that "protectionist tendencies" in the United States (a) run counter to United States commitments within the inter-American framework, (b) would contradict joint United States-Latin American efforts to reduce tariff and non-tariff barriers, and to establish a general preference system, and (c) would give rise to reprisals by other developed countries, provoking a drastic reduction in world trade which would injure Latin America's capacity for development "with unquestionable negative effects on their economic, social and political situation."

EUROPEAN ECONOMIC COMMUNITY

The Council of the European Economic Community adopted a declaration on October 27 regarding the Mills Bill stating that "the adoption of protectionist measures by an important industrialized country, contrary to the principles which govern international trade, could unleash a cumulative process of trade restrictions". The declaration added that the Community "is ready to take the measures necessary to protect its interest should they be endangered".

UNITED KINGDOM

In a speech in London on October 21, John Davies, new British Secretary of State for Trade and Industry warned of serious repercussions throughout world trade if the Mills Bill were passed. The press quoted him as stating "We must all be concerned with the trade bill now before the United States Congress. The Bill marks a decisive swing away from the liberal trade policy which the United States has upheld for 35 years and which has given the world the benefit of United States leadership in progress towards freer trade".

EUROPEAN ECONOMIC COMMUNITY

Commissioner Dahrendorf in a press conference on October 16 stated "what is called a trade war will probably be an escalation of protective measures in many countries of the world which would lead to a very serious disruption of the free interchange, not only of commodities, but also of capital. It seems to me—and this is not just a personal feeling—that if U.S. legislation as it stands today is passed it might easily have this result."

UNITED KINGDOM

An aide memoire left at the State Department on October 15 noted that the Mills Bill contains provisions that "must be a source of grave concern to all the major trading nations of the world." It charged that if such criteria were to be generally adopted by other countries, either in self-defense or under internal pressures," the sound development of world trade would be directly threatened and there could be grave risks of a trade war."

SPAIN

Spanish Foreign Minister Lopez Bravo in an October 13 speech to the United States-Spanish Chamber of Commerce in New York strongly criticized what he termed protectionist measures under consideration in the United States. He drew attention to the widening Spanish trade deficit with the United States and warned that Spain would take counter-measures against United States restrictions on Spanish exports.

GERMANY

The German Ambassador handed a note to the Secretary of State on September 13 stating that the Mills bill, if adopted, would (a) endanger the legal foundations of world trade, (b) release a world-wide protectionist chain reaction and (c) jeopardize the economic growth of all countries depending on world trade including the under-developed countries.

SPAIN

A Spanish note verbale handed to our Embassy in Madrid on September 30 stated that the Spanish Government felt it must reiterate its preoccupations with regard to the Mills Bill, adding that if quotas were applied "the export of Spanish footwear to the United States which constitutes the largest single part of our sales in the North American market, would be reduced by forty percent."

EUROPEAN ECONOMIC COMMUNITY

The EEC issued a press release on September 29 stating that the Council had heard a report from Commissioner Dahrendorf on the pending United States trade legislation. The Council "agreed to follow attentively the development of the situation which it considers to be very serious. The Community, furthermore, will not fail to assert its rights, if necessary."

DENMARK

The Danish Ambassador in a speech delivered in St. Louis on September 29 in referring to the Mills Bill noted that "introduction of new import quotas by the United

States would lead to great disadvantages on both sides of the Atlantic Ocean." He added that while refraining from prophecy he would wish however "to point out that in our interdependent world such severe import restricting measures not only would cause direct damage to the export interests of other nations, but would also trigger off a chain reaction of serious consequences to the commercial interests of all nations."

MEXICO

Mexican President Diaz Ordaz on September 3, during a dinner in his honor in California, told his host President Nixon and a group of distinguished guests that "there is true alarm in the countries of the hemisphere because in the United States of America protectionist tendencies seem to be gaining strength. Should they prevail," he added "there will be a tremendous blow to the economy of the rest of the continent." He declared that although the United States might gain some small advantage "the improvement would not only be minor but temporary, and that protectionism would turn against the United States in a very short time."

ITALY

Italian Foreign Trade Minister Zagari told the press August 1 that a step back to protectionism would mark the "beginning of the end of American world economic and political leadership."

LATIN AMERICA

OAS Secretary-General Galo Plaza announced July 23 that "the protectionist policy on trade in various areas of the world and especially now in the United States, has become a matter of grave concern to Latin America." He added that such a protectionist policy would carry unfavorable consequences for inter-American relations and the prosperity and stability of the Continent He said also that it was "inconceivable" such a course should be followed precisely at the time the U.S. is engaged in serious discussions with the Latin American countries to improve trade relations.

SPAIN

A Spanish Embassy note delivered to the State Department July 17, 1970 states that "Any limitation on Spanish exports of textiles (wool and man-made fibers) to the U.S. will necessarily be opposed by the Spanish Government and by those Spanish industries interested in developing Spain's trade with the U.S."

CANADA

A Canadian *aide memoire* handed to the State Department July 13 notes that restrictive legislation would seem almost certain to have serious repercussions, not only in terms of reactions by other countries, but even more important, by making it difficult for the United States to exert positive and constructive influence on events at one of the most critical junctures in post-war trade relations.

AUSTRALIA

Australia in an aide memoire given the State Department on June 16 registered "its profound concern" over restrictive measures contemplated in the Mills Bill."

EUROPEAN COMMUNITY

In a note of June 12 delivered to our Mission in Brussels, the EC stated that "In any case, the Community finds itself obliged to draw attention to the fact that if the U.S. were to limit in any way its imports in one or several of its entire industrial sectors, it could be led to ensure the protection of its rights and interests. The Community would regret such a development which would be in contradiction to the process of trade liberalization of the past 20 years."

KOREA

The Korean Embassy in an *aide memoire* left at the State Department on June 9 said its Government was "most seriously concerned" with the adverse impact that restrictive legislation would have on Korean economic development and on relations between Korea and the United States.

SWITZERLAND

The Swiss Ambassador on November 12, 1970 handed a note to the Deputy Under Secretary of State in which he expressed his Government's concern regarding "some of the amendments which have been made to the pending foreign trade bill, and the harmful consequences they would have for the world-wide exchange of goods and services." The note expressed concern with regard to the "new definition of the escape clause . . . and the requirement of import quotas for a great variety of textiles and leather footwear" as they might affect Swiss exports; but stressed the hope that the U.S. Government: "will not weaken the liberal trade policy it has successfully pursued for several decades . . . [but rather] . . . take . . . a vigorous new initiative to lead the major trading nations to a further expansion of world trade." On the same day the Swiss Government announced in Bern the delivery of the note, conveying its substance in a press release.

FINLAND

The Finnish Embassy, in a *pro memoria* left at the State Department on November 13, 1970, stated the Finnish Government's "fear of the consequences for international trade in general if the Bill, with quota and other restrictions as it has today, should be enacted." The concern of the Finnish Government regarding the impact of the Bill on Finnish exports of mink skins and textile articles was also noted.

SWEDEN

In a memorandum left at the State Department November 13, 1970, the Swedish Embassy referred to the possibility of countermeasures, stating that "the prospect of a trade war is an alarming one from the point of view of the development of the world economy. It is especially the smaller nations, heavily dependent on foreign trade, that would suffer the most." The Swedish Government also noted the importance of exports of textiles, footwear, and mink skins to the Swedish economy.

DENMARK

The Danish Embassy, in a *pro memoria* left at the State Department on November 13, 1970, stated that enactment of certain provisions of the Trade Bill "cannot but create the impression that the United States is actually withdrawing from its previous position as a firm advocator of freer world trade. This in turn may endanger all that has been accomplished since World War II through international trade cooperation." The Embassy specifically criticized the quota and "trigger" provisions of the bill.

JAPAN

The Japanese Ambassador on November 16, 1970 called on the Under Secretary of State for Political Affairs, and left an *aide memoire*, in which the Japanese Government expressed its view that the trade bill, if enacted, would "have serious adverse effects on both the cause of free trade as well as the future trade relations between Japan and the United States." Finding the quota and escape clause relief provisions "most undesirable," the Japanese Government "reserves its right to take necessary measures to safeguard its interests in accordance with the accepted international rules, if its interests should be impaired. . . ." The note added that "such unilateral actions on the part of the United States may have unfavorable consequences upon the over-all relationship between the two nations . . . which is a cornerstone for the stability and prosperity of Asia."

NORWAY

On November 17, 1970 the Norwegian Foreign Minister, Mr. Stray, called on the Deputy Under Secretary of State and left a *pro memoria* expressing his Government's fears regarding the trade bill's consequences for world trade. The note also called attention to the impact the restrictions on imports of mink skins might have on Norway.

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TOUGH BARGAINING WITH CANADA ON THE PACT

Hard bargaining is also expected to mark the U.S.-Canada trade meetings in Ottawa this week.

The hottest topic concerning the Washington team headed by Secretary of State William P. Rogers and the Canadian delegation led by Prime Minister Pierre Trudeau will be autos and auto parts, which accounted for 20% of the $14-billion Canadian exports racked up in the first 10 months of 1970.

The talks will revolve around the U.S. desire to drop certain "transitional safeguards" that are part of a 1965 pact that established free trade in autos between the two countries.

But the pact guaranteed Canadian a share of the North American car market and provided for increased Detroit investment in the Canadian auto industry.

Canada has benefited so greatly from the five-year-old agreement that it may, for the first time, run a surplus this year in its auto trade with the U.S. The big reason is that American auto companies are making a lot of their popular small cars in Canadian plants.

WHY OTTAWA WON'T BEND

Some auto executives suggest that the pact be replaced with more general guidelines that would meet U.S. requirements on balance of payments, without badly damaging Canada's share of production and sales.

But growing nationalistic fear in Canada of U.S. economic domination makes such a change politically hazardous. Ottawa will not want to appear to be bending to U.S. demands.

Any changes that might remove the guarantees would make Canada's auto industry more of a slave to fluctuations in the marketplace, and this would be unpopular with the country's unemployment rate running at 6.6%.

Canadians also fear the small car fad could fade, reducting the trade surplus their industry now enjoys. This is critical just now since Canada's boom in exports is slowing down.

Detroit executives believe that Canadian fears over the loss of "safeguards" are exaggerated. They point out that the auto companies have sunk more than $1-billion into plant and equipment in Canada over the life of the pact. As a result, they claim, the Canadian industry is now too strong to be hurt badly by the removal of the guarantee.

TRUDEAU'S TRUMP: A VITAL PIPELINE

Whether they are right or not, Trudeau seems to hold the trump card that insures the survival of the safeguards—at least for this round of talks.

The U.S. is suffering a shortage of natural gas, and Canada can help fill the gap. The Washington team is expected to push for early approval of the trans-Canadian pipeline to get Alaskan and Canadian natural gas to the American consumer. Trudeau's price may be the retention of the safeguards for the Canadian auto industry.

## THE CONTROL OF AIR POLLUTION IN JACKSONVILLE, FLA.

Mr. GURNEY. Mr. President, in an era of increasing concern over the problems of pollution of our environment, I think it is noteworthy that some communities have stopped talking about the problem and started doing something about it.

I ask unanimous consent to have printed in the RECORD a brief narrative about the way the city of Jacksonville, Fla., is tackling this important problem.

The article outlines the extent of the problem, the unique local approach or enforcement, monitoring, and surveillance.

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

AIR POLLUTION CONTROL, JACKSONVILLE CITY HEALTH DEPARTMENT

### HISTORICAL BACKGROUND

Air pollution is a topic of increasing concern to the citizens of our country. Air pollution in the United States is a problem not only because it contends against elemental wants for health, food, and clothing, but also because it contends against acquired wants for a congenial environment to meet esthetic and psychological needs.

The city first became aware of its air pollution problem in 1948 when nylon stockings and blouses disintegrated while being worn in downtown Jacksonville. The blame was placed on the combustion of high sulfur residual fuel oil. In 1961 severe vegetation damage occurred in the residential areas on both sides of the St. Johns river. Damage was so severe that after a two week pilot study, the U.S. Public Health Service recommended that an air pollution control program be started. However, public interest in starting air pollution control lagged until another vegetation kill in 1964. During 1964–1965 a survey was taken under supervision of the University of Florida. This survey was under the direction of the Air Improvement Committee of Jacksonville, Inc. The committee financed the survey by equal contributions of $50,000 from the City of Jacksonville, Duval County, and local industry. The University of Florida developed an air pollution program during this survey which was taken over by the county, when in 1965, the state legislature established the Duval Air Improvement Authority. This agency adopted laws, rules and regulations for the survey and control of air pollution in Duval County. The rules adopted by the Duval Air Improvement Authority set limits on visible and particulate emissions. Any smoke density equal to or greater than #2 on the Ringelmann scale on black smoke or of an opacity of 40% or greater on white or colored smoke is in violation. The rules also set limits on the weight of particulate matter such as flyash, soot, and emitted dust from industrial processes. Operational procedures and guide lines for enforcing pollution standards were also set up by the rules and regulations.

With Consolidation, this agency became an activity in the Public Health Division of the City of Jacksonville.

### POLLUTANTS

A Jacksonville's main pollutant problems are suspended particulates, sulfur oxides, hydrogen sulfide, nitrogen oxides and hydrocarbons. Particulates and oxidants dangerously diminish visibility, impair athletic performance, cut out sunshine, bring on rain clouds, and fog. Sulfur oxides emitted into the air accelerate the decay of honored works of art and statuary and cause corrosion. Emissions from automotive combustion injure trees on the street.

Suspended particulates are small particles resulting from incomplete combustion, industrial processes and even automobile traffic. Small dust, soot, and other suspended particulates are released from factory stacks, burning of trash, (especially old tires and oil materials), cars, storage areas and many other sources. Both dustfall, and suspended particulates contribute to soiling and act as agents to help corrosion. Dust fall results from large particles that are too heavy to remain suspended in the air.

Sulfur oxides, resulting mainly from the burning of petroleum fuels, contribute to high corrosion rates and damage to vegetation and fabrics. The best means of controlling sulfur dioxide ($SO_2$) is to use fuels with low sulfur content. The City Council has set limits on the sulfur content to residual fuel oils burned in the city to be 1% by October 1, 1970. This is expected to reduce the sulfur dioxide concentration in the city.

The hydrogen sulfide comes from our water aeration systems causing paint damage and odor nuisances. Hydrogen sulfide is removed from water by aeration to improve the taste, which releases this noxious gas to the air. The concentrations released are too low to be health hazards although they may cause corrosion and tarnishing of silver.

Some odorous organic compounds, as produced by paper mills, are easily detected by the human nose even in the smallest amount and therefore are an odor problem even if not a cause of physical damage or health hazard.

### SOURCES OF POLLUTION

Some of the major sources of pollutants in Jacksonville are:

1—electric power generating stations.
2—transportation.
3—pulp and paper mills.
4—asphalt batching plants.
5—organic chemical plants.
6—waste incineration.
7—and other industrial processes.

Every human activity results in some emission of pollutants into the atmosphere.

### METEOROLOGY

Atmospheric conditions in the Jacksonville area play an important part in the severity of air pollution. The major weather factor causing high levels of pollution and decreased visibility lies in the frequency of inversions. An inversion occurs when a layer of warmer air exists above a cooler air layer. These air layers trap air pollutants and allow them to concentrate close to the earth. Inversions occur almost nightly in Jacksonville.

Often pollutants which are trapped by the inversions undergo a photochemical change because of the plentiful supply of sun light and moisture. One example of this is the changing of sulfur dioxide from combustion into sulphuric acid. Another example is the formation of photochemical smog from nitrogen oxides and hydrocarbons.

### THE AIR POLLUTION CONTROL PROGRAM

The City Health Department has a staff of specialists to monitor and control air pollution problems. Until a recent Federal grant the staff of the air pollution control department consisted of seven employees; the director, two engineers, three technicians and one secretary. The grant made it possible to have seven additional employees and to greatly expand the program. The $60,000 Federal grant has increased the staff by two air pollution specialists, four engineering technicians, and one clerk typist.

The department of Air Pollution Control now has three main sections: Ambient Air monitoring and sampling, source sampling and emissions, and enforcement. One of the functions of the department is: maintaining, recording and analyzing the results of three monitoring systems. One such system is the dynamic network which records nitrogen oxides, sulfur oxides and suspended particulates.

In the dynamic network the nitrogen oxides and sulfur oxides from the atmosphere are drawn through impingers and dissolved in liquids color sensitive to those gases. The samples are then analyzed with a spectrophotometer to determine pollutant concentration in parts per million (ppm).

The suspended particulates in the air are collected by high volume air samplers. The sampler consists of a shelter, a filter to collect the particles and an air pump to draw the air through the filter. The filters used are 8 inch by 10 inch glass fiber filter webs. These filters will trap 100% of particles as small as 0.3 microns. These air-borne particles technically known as aerosols can cause rapid soiling and are inhaled into the lungs. Sulfur dioxide absorbed on aerosol particles is oxidized and hydolyzed to sulfuric acid which is highly corrosive to metals and fabrics and human lungs. Due to their small size, aerosols have extremely high surface areas. This surface area is an important site for photochemical reactions involving hydrocarbons, oxidants such as nitrogen dioxide and ozone, and a condensation nuclei for fog formation.

Another sampling system is the static network, consisting of twenty-nine dustfall stations which collect particulate fallout or dustfall for analysis. The particulate matter is collected as dustfall in open containers for a period of one month. A small amount of water in the containers helps to hold the particulate matter. Copper sulfate in the water prevents the growth of algae. The samples are then analyzed for soluble particulate, insoluble particulate and total weight.

The laboratory maintains continuous monitoring stations which constantly record the sulfur oxides, temperature, pressure, wind direction and velocity and other important information 24 hours a day. This system is in the process of being expanded to sample nitrogen oxides, oxidants, hydrocarbons and carbon monoxide.

The department has the capability of sending a team of specialists out to sample individual industrial emissions sources. Sampling probes are put into smoke stacks and exhausts to draw out a portion of the waste gas stream. The sample is then measured and analyzed. This results in a definite analysis and record of the amount and type of the pollutants coming from each plant.

Air pollution inspectors cover pollution sources, make inspections, answer complaints and enforce regulations on smoke emissions. An enforcement section of three will strengthen the enforcement of air pollution laws and regulations. Primarily, they will patrol areas of the city looking for visible smoke violations and determine if stack sampling is necessary. Seventeen citations were issued for air pollution violations and sixteen corrections obtained prior to the end of 1969. One case on visible emissions has been prosecuted in court. Air pollution violations can be taken to court or brought to a hearing in front of the Air Pollution Control Board.

The department approves plans for the control of air pollution sources. Since 1967, 34 control devices have been approved and installed or are under construction by different plants.

Another duty of the APCD is performing an emission inventory to determine location, quantity and types of air pollutants and pollution sources. Personnel are also available to give lectures to interested classes and organizations.

### HOW TO FILE A COMPLAINT

If you think a violation of Air Pollution rules has occurred call the Air Pollution Control Department at 764–7587 and report the incident. It is very important that the incident is reported immediately. Evidence can disappear with the first wind. Also the

violation must be recorded by qualified air pollution personnel before legal action can be taken. Rules and regulations are available from the Air Pollution Control Department, 59th and Evergreen, Jacksonville, Florida 32202.

## THE NIXONOMICS OF THE FUEL CRISIS

Mr. EAGLETON. Mr. President, the credibility gap in the Nixon administration's economic policies widened dramatically yesterday with the issuance by the President's Council of Economic Advisers of the second inflation alert.

One of the most remarkable aspects of the second inflation alert was the condemnation of crude oil and gasoline price increases announced recently by major oil companies.

Mr. President, last September 29 the Nixon administration loudly and clearly invited the oil and fuel companies to raise the prices that American consumers pay for fuel. That invitation was issued by the Chairman of the Council of Economic Advisers and the Director of the Office of Emergency Preparedness in a joint statement entitled "The Fuel Situation for the Winter of 1970–71." Listen to the introduction to the invitation:

> Basically, we rely upon the proven adaptability of the American economic system which must respond to the present and prospective demands for fuel by converting to the production of what is most needed and its delivery where it is most needed.

And now the invitation itself in the next sentence:

> The increased national requirements (for fuels) *and the changes in the price structure* that arise from them, provide a powerful incentive to the adjustment of supply, which is in fact already taking place.

The administration's seemingly inconsistent and conflicting actions on September 29, 1970, in inviting price increases for fuels, in announcing an investigation—which seems to be proceeding at a desultory pace—of those increases once they had occurred, and in condemning the price increases yesterday can only be taken as evidence of startling disingenuousness approaching irresponsibility.

I would commend to the administration's attention an article by Bernard Nossiter, published on the editorial page of today's Washington Post. Mr. Nossiter's article serves the dual function of acquainting the administration as well as the American consumer with some of the fundamental aspects of this most important subject. I ask unanimous consent that it be included in the RECORD at the conclusion of my remarks.

Mr. President, the Nixon administration's unwillingness—or inability—to speak candidly and with one voice to all Americans about its fuel policies and to act to protect the interests of American fuel users will not be lightly disregarded by American consumers.

If swift and responsible leadership on our increasingly serious fuels problems it not forthcoming soon from the administration, it will bear a heavy responsibility for shortages of fuels in the coming years and for fuel prices that may double within the next 5 years.

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

### LOOKING INTO THE PRICE OF OIL

(By Bernard D. Nossiter)

There is something irresistibly comic about the Nixon administration's new inquiry into increased oil prices. In effect, the government is solemnly asking itself whether curbs on the supply of a commodity have something to do with raising its price.

To motorists who have just been hit with a penny-a-gallon increase in gasoline the question may not seem so funny. But at least they can supply the answer that the White House Office of Emergency Preparedness and its Council of Economic Advisers are now professing to seek. Car owners have learned, like home owners who heat with oil, that, yes, the price of a product is determined by the point where effective supply meets effective demand.

The interesting thing about oil is that effective supply is cut off by an elaborate mechanism run by the government. Thus, if the government's inquiry into "the reasons for and consequences of the (oil price) increase" were serious—and knowledgeable authorities within the bureaucracy doubt that it is—that very same government could increase the supply and reduce prices by a few, simple strokes of Mr. Nixon's pen. The failure to do so will, it is estimated, leave consumers with an increase in their energy bills of about $1.5 billion.

Here is how the game is played:

Each month, the Interior Department's Bureau of Mines "forecasts" the demand for oil. The agency estimates how much oil will be consumed at the prevailing level of prices.

To make sure that this price level is maintained, regulatory agencies in the big oil producing states—chiefly Texas, Louisiana and Oklahoma—fix the amount that each well can produce. The regulatory agencies understand the first lesson in economics and thereby make sure that supply is tailored to support the desired price.

Back in the depression days, when this arrangement was threatened by producers whom circumstances drove to free enterprise, the federal government conveniently assured the authority of the state agencies. The Connally Hot Oil Act (named not for a recent Texas governor close to the industry but for a late Texas senator) prohibited the shipment from one state to another of oil produced in excess of the state limits.

This system helped increase the price of oil with considerable success until the 1950s. Then, imports of low-cost oil produced by the big companies in Venezuela and Saudi Arabia threatened to make life easier for consumers. So President Eisenhower, urged on by the Johnson-Rayburn Texas leadership in Congress, imposed quotas on foreign oil. He proclaimed an absolute limit on the oil that could be brought in, thereby once again restraining effective supply.

In recent months some new forces have been at work and they lie behind the companies' bold and successful bid to jack up prices another 25 cents a barrel.

The new Libyan government has cut back production in its fields, chiefly to get higher prices from its American concessionaries. Guerrillas have broken a big pipeline in Syria and it remains unrepaired. Thus to meet Europe's demand for oil, the companies have had to scramble around for tankers to carry oil from the Middle East around Africa. Most tankers are either owned by or under long term charter to the big concerns. Perhaps only 10 per cent of the tonnage is available at any one time for "spot" or immediate charter. In economic parlance, this is a "thin" market and a small increase in tanker demand shoots up prices.

The sharp rise in "spot" tanker rates has had its effect here. Oil imported under the quotas on "spot" rather than long term charters has become terribly expensive. The cost of production, of course, hasn't changed. But the price of transporting the cheap oil has. The government's quotas allow daily imports of about 1.3 million barrels. But the temporary rise in tanker rates has left about 250,000 barrels of the quota unused. It is this "shortage" that lifts the price.

The shortage could be erased in a few weeks if the White House were so minded. There is plenty of oil in Canada and enough spare pipeline capacity, according to the experts to bring in 200,000 more barrels a day. Thus, the President could raise the current quota on Canadian oil to fill the gap. Indeed, he could go even further and suspend the whole quota program. Some experts think that a strict reading of the law would require Mr. Nixon to do just that. They argue that Congress gave the President authority to fix quotas ostensibly to preserve "national security;" that he has determined that "national security" is precisely preserved by imports of 1.3 million barrels; that imports are less than this and that, therefore, "national security" can be restored only by scrapping the quotas and permitting imports to rise back nearer to the "national security" level.

Apart from Canadian oil, another 200,000 or so barrels a day can be found in the wells producing under federal lease off Louisiana and Texas. The Interior Department, traditionally a close ally of the industry, has decreed that these wells must produce no more than the Texas and Louisiana regulatory authorities allow. But the Justice Department has ruled that this is no more than Interior's whim. If Mr. Nixon calls the Interior Secretary on the telephone, supply from the federal offshore wells could be freed.

If the quotas were junked or suspended and the offshore wells emanicipated from the government-imposed limits, it is likely that not only would the 25 cent increase be rolled back but the price of oil would come down even further. The two moves would add about 4 per cent to the oil available east of the Rockies—the area of shortage—and the added supply would meet demand, just as the textbooks say, at a lower price.

Indeed, just these steps have been urged by Sen. William Proxmire (D-Wis.) in a letter to Paul McCracken, chairman of the President's Council of Economic Advisers. Proxmire is head of the Joint Economic Committee whose staff presumably has a working knowledge of the first lesson in elementary economic texts.

There is still one more simple thing Mr. Nixon could do. The law permits him to suspend the Connally Hot Oil Act whenever he thinks it is a "burden" on commerce. To be sure, experts doubt that there are many believers in free enterprise in oil left in Texas or Louisiana. Anyway, their oil must flow through pipelines controlled by the big concerns. Finally, any maverick that did exceed the state production limits would probably run into hostile court orders granted to the oil-conscious governors of Texas and Louisiana.

But suspension of the act would spotlight the fact that the states are holding back nearly one million barrels daily in the name of conservation but in fact to preserve the price.

Officials close to the new administration inquiry doubt that the President will do any of these things. Oil producers have built up with care their network of controls to fix prices and regard the removal of any as a threat to their profits.

The inquiry itself is being run by Elmer Bennett, an assistant to the director of the Office of Emergency Preparedness. He is a

former under secretary of Interior from the Eisenhower regime who then worked for tightening the new program cutting down imports. As far as can be determined, his current inquiry is something less than rigorous. He has not sent out questionnaires demanding data on prices, costs, supply and profits. Instead he has simply sent companies announcing increases a mild letter. It invites them to submit "pertinent information on gasoline and crude markets, any other factors which led to your pricing decisions, and any analysis you care to provide of the relationship to accomplishing the national security objectives . . ."

When the big companies get around to replying, they are expected to say that higher prices are a good thing (like oil depletion allowances, import quotas, treating foreign royalties as taxes) because they encourage the search for new sources of supply.

Oil specialists in government today fall into two classes. The optimists think that the mere fact that the White House has raised a question will persuade the powers in the industry—notably the Standard Oil Co. of New Jersey—to beat a prudent retreat and withdraw some of the increase. The pessimists think that nothing like this will happen, that the inquiry will perversely wind up exploiting the current rise in "spot" tanker rates and proclaim that cutting off imported supplies has no effect on domestic prices.

## U.S. AID FOR PAKISTAN: PROMPT AND COMPLETE

Mr. GRIFFIN. Mr. President, from all indications, the cyclone that struck the coastline of East Pakistan on November 12 and 13 has created one of the greatest natural disasters in modern history. Despite the firm commitment of the Nixon administration to provide all possible aid, there has been some criticism of this Government's role in the relief effort. I do not know whether this criticism is motivated by genuine ignorance about what the administration is doing or if it is just partisan politics. In either case, the record should be made clear.

First, it has been charged that the U.S. Government failed to appreciate the magnitude of the disaster and to respond adequately to the needs of the survivors. The record, which I will ask to have inserted later, indicates that this is simply not true. Just as soon as the magnitude of the disaster began to clearly emerge on November 14 the administration took immediate action to help meet in full the relief requirements of the Government of Pakistan.

The Pakistanis themselves have said they deeply appreciate all that has been done which has gone way beyond what they would have expected. Food, medicine, clothing, and other relief supplies for the victims of the cyclone will continue to be sent as it is judged by the Government of Pakistan that they are needed. The administration has also received the gratuitous advice that helicopters be moved from Vietnam to East Pakistan to assist in the airlifting of relief supplies into the disaster area.

Such a move was taken fully into consideration when it was initially determined that such air lift support was needed. It was determined that helicopters could be moved more quickly from the United States than from the field in Vietnam. Eight large cargo helicopters were airlifted by U.S. military aircraft from the United States to East Pakistan and made operational over the disaster area within 2 to 3 days of the request for them. It would have taken at least a day or two longer to remove the same helicopters from the battlefield in Vietnam, service them, take them apart for shipment and load them on to aircraft bound for East Pakistan.

Fortunately, the Department of Defense was in a position to meet the Pakistani requests in full. Two additional smaller AID contracted helicopters were flown down from Nepal to East Pakistan. Fifty motor launches were also airlifted from the United States to assist in distributing relief supplies.

The Pakistanis have determined that they now have enough helicopters and other transportation to move adequate relief supplies into the disaster area. This is an international effort with a total of 34 helicopters involved and many more boats.

The United States has responsibility for distribution to the hard-hit middle offshore islands and northern areas. Through November 29 some 493 relief sorties had been flown for 263.7 hours, delivering 385,535 pounds of relief supplies. Our helicopters currently are averaging some 70 sorties a day while delivering 65,000 to 75,000 pounds and these figures should increase.

Our mission in East Pakistan reports that the present helicopter and boat capacity is adequate for the immediate needs of getting food directly into the hands of the survivors to stave off starvation until the regular Pakistan distribution system can function, which should take at least 3 more weeks. In the meantime, the administration is prepared to supply immediately whatever additional transportation may be necessary.

Finally, it has been asked why the U.S. Government has not dispatched medical personnel specialized in communicable diseases to help prevent their spread.

Army medical units were placed on alert for immediate airlift to Pakistan as soon after the disaster as possible. The Pakistanis, however, have informed us that they do not need them. The United States also sent a two-man team into the disaster area to evaluate the medical situation. They also concluded that there was at present no need for U.S. medical personnel.

It should be clearly understood that the administration is prepared to send whatever medical assistance is necessary when and if the need develops.

Mr. President, there is no doubt that the reaction of this administration to the disaster in East Pakistan has been prompt and complete. We have met every request of the Pakistan Government and stand ready to help wherever we can. Those who suggest otherwise are misleading the American public.

We should be proud of our Government's role in the relief effort and to detail the scope of our aid I ask unanimous consent that the following chronological list of the administration's reaction to the disaster in East Pakistan be inserted into the RECORD.

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

U.S. RELIEF EFFORT IN EAST PAKISTAN

NOVEMBER 14

The U.S. mission authorized U.S. voluntary agencies in East Pakistan to draw immediately on U.S. Government Food for Peace commodities and AID resources on the ground.

NOVEMBER 15

President Nixon sent to President Yahya a message of sympathy and an offer of help.

NOVEMBER 17

Announcement of the creation of a high-level inter-departmental Working Group on East Pakistan Disaster Relief, chaired by Maurice J. Williams, Deputy Administrator of AID.

President Nixon directed the Working Group to initially provide assistance up to $10 million through PL–480 and other programs for the immediate Relief of East Pakistan. (So far $6.4 million has been drawn down to pay for wheat to be shipped to Pakistan and $2 million has been allocated from contingency funds to the Worldwide Disaster Relief Account for expenditure in the U.S. and for reimbursement to the Department of Defense for East Pakistan relief operation.) More funds will be made available if required. In addition, the U.S. Government stands ready to release, in Pakistani currency, a substantial part of the $4.7 million worth of foreign currencies it has left from the worldwide fund for emergency uses overseas (legislatively limited to $5 million). Finally, AID has begun negotiations with the Government of Pakistan on reconstruction projects in the disaster area which could amount to about $21 million worth of U.S.-owned Pakistani rupees.

Initial emergency air shipment of 10,080 AID-financed blankets and 1,000 tents dispatched to Pakistan. This shipment arrived in Dacca November 19.

50,000 tons of wheat authorized for early shipment to East Pakistan to replenish stocks being drawn down.

Ambassador Farland donated $52,000 in local currency from his emergency funds.

The first request for four helicopters was received in Washington at noon.

NOVEMBER 18

Three military C–141 cargo planes carrying four large Huey helicopters and crews left the U.S. in mid-day, within 27 hours of receipt of the request.

NOVEMBER 19

Daily during the period November 19–25, chartered freight flights left for Dacca. The total is eleven (including 1 described on November 17 and 2 on November 21). These shipments included over 250 tons of immediately edible high-calorie survival biscuits plus considerable quantities of canned fruit and meat, vaccines and other supplies donated by voluntary agencies.

NOVEMBER 20

The first four U.S. helicopters arrived (75 hours after request) and became operational within 12 hours.

Two smaller Bell helicopters were sent from the U.S. Aid Mission in Nepal.

NOVEMBER 21

Three military cargo planes carrying four more large Huey helicopters and crews sent to Pakistan. These departed the U.S. within 8 hours of receipt of the request from Pakistan.

Two commercial planes departed carrying a total of 50 16-foot motor boats provided by the U.S. Army.

NOVEMBER 23

The 4 additional U.S. helicopters shipped November 21 became operational, about 48 hours after departure from the U.S.

By November 30, almost 500 tons of relief supplies had been shipped. Relief experts on the scene reported that the total force of 38 helicopters, Pakistani C–130 aircraft and boats was sufficient to meet emergency needs until regular food distribution channels could be reestablished. U.S. military medical teams had been alerted, but relief experts reported that sufficient medical personnel are in the disaster area.

NOVEMBER 26

White House announces the formation of a citizens Pakistan Relief Committee to channel aid to the survivors of the disaster with Mrs. Nixon to serve as Honorary Chairman.

NOVEMBER 28

A scheduled Boeing 747 demonstration flight left New York for Pakistan carrying free of charge some 40,000 pounds of relief supplies, including 2.25 million water purification tablets purchased by AID from the Defense Supply Agency.

Following is a list of U.S. relief shipments to East Pakistan made since the disaster struck:

Nov. 17: A planeload of 10,000 cotton blankets and 1,000 tents.

Nov. 18: Three military cargo planes carrying four large Huey helicopters and crews.

Nov. 20: A planeload of survival biscuits and 30,000 plastic water bottles.

Nov. 20: A planeload of 90,000 pounds of corned beef, apple sauce and survival biscuits donated by CARE and the Office of Defense.

Nov. 20: A planeload of 90,000 pounds of civil defense survival biscuits.

Nov. 21: A planeload of civil defense survival biscuits.

Nov. 21: A plane carrying a total of 50 16-foot motor boats provided by the U.S. Army and through commercial purchase by AID.

Nov. 22: A planeload of 90,000 pounds of civil defense survival biscuits.

Nov. 22: A planeload of 90,000 pounds of civil defense survival biscuits and additional corned beef and applesauce donated by CARE.

Nov. 23: A planeload of civil defense survival biscuits and 460 pounds of typhoid vaccine donated by Catholic Relief Services.

Nov. 24: A planeload of civil defense survival biscuits and 30,000 plastic water bottles purchased by AID.

Nov. 28: A scheduled Boeing 747 demonstration flight left New York for Pakistan carrying free of charge some 40,000 pounds of relief supplies, including 2.25 million water purification tablets purchased by AID from the Defense Supply Agency.

## CHANGES FOR ELDERLY IN NEW TAX FORMS

Mr. WILLIAMS of New Jersey. Mr. President, last April the Senate Committee on Aging held a far-reaching hearing on income tax overpayments by the elderly.

Expert witnesses were in virtually unanimous agreement that large numbers of older persons pay more in taxes than required by law. Many make errors because of complexities in the tax law or intricacies in computing their returns. Others are simply unaware of certain legitimate deductions.

At the hearing, we heard much compelling testimony on the shortcomings of the 1969 tax form. We also heard several concrete recommendations for simplifying the tax return.

Shortly after the hearing, representatives from the Senate Committee on Aging and senior citizens organizations met with officials at the Internal Revenue Service to discuss ways for improving the tax form.

This meeting—called by Internal Revenue Commissioner Randolph Thrower—helped provide a dialog for an exchange of ideas. And I wish to compliment the Commissioner for his diligent efforts in attempting to simplify tax preparation for the elderly.

Several recommendations urged by the Committee on Aging, I am pleased to say, have been incorporated in the new 1970 tax forms and the packet of instructions.

Such measures can help to simplify tax preparation for the elderly. Other recommendations will help to protect the aged from overpaying their taxes. Since a substantial percentage of older Americans live on limited fixed incomes, they can ill afford to make these costly errors.

These changes will not, of course, solve all the complex problems involved in preparing a tax return. But, they can be an important step forward in making our tax system more readily understandable and workable.

SIMPLIFYING RETIREMENT INCOME CREDIT SCHEDULE

Particularly significant for elderly taxpayers is the simplification of the retirement income credit schedule. For example, the 1970 schedule will have approximately 30 percent fewer computations than required on the 1969 return.

Moreover, the number of schedule transfers for computing the 15-percent credit will be reduced significantly.

COMPUTATION OF TAX AND CREDIT

Even more important, older Americans can elect to have the IRS compute their tax and retirement income credit. To make such an election, elderly taxpayers would be required to:

Have income not exceeding $20,000, consisting only of wages, dividends, interest, pensions, and annuities;

Take the standard deduction;

List exempt pensions, such as social security benefits and railroad retirement annuities, and earned income from wages; and

Tabulate their qualifying retirement income, their taxable pensions, annuities, rents, interest, and dividends.

This should be especially helpful for many bewildered individuals with little or no knowledge about our complex tax laws.

NO INSTRUCTIONS ON BACK OF RETURNS

In addition, instructions will no longer be on the back of the 1970 returns. This change is welcome and badly needed.

Many taxpayers wish to reread their instructions after filing their returns to make absolutely certain that they have claimed all legitimate credits and deductions.

Previously when a taxpayer filed his tax form, he had no future reference point if he wanted to check his instructions again or if he discovered that he had made a mistake.

NEW LINE REFERENCES

Schedule A—the worksheet for taxpayers electing to itemize their allowable deductions—has also been improved. For instance, the schedule A for 1970 has specific line references for common deductions frequently overlooked by taxpayers. Some of these items include hearing aids, dentures, eyeglasses, and transportation for medical purposes.

The listing of these items—as well as other commonly ignored expenditures—can alert taxpayers to deductions which could conceivably save hundreds of dollars.

COMMITTEE ON AGING REPORT

In the very near future the Committee on Aging will issue a comprehensive report on "Income Tax Overpayments by the Elderly."

Several recommendations that were to have been made in the committee's forthcoming report have already been incorporated in the 1970 tax form package.

A section of tax relief provisions in the Tax Reform Act—measures which can result in substantial tax savings—will also be included in the report.

Moreover, the report will list several common deductions frequently overlooked by taxpayers when they prepare their returns.

In addition, it will provide information for filing amended returns to obtain refunds for allowable deductions not originally claimed at the time of filing.

With this information made available to older Americans and the implementation of the recommendations in the committee's report, substantial progress can be made in protecting the elderly from overpaying their taxes.

## TRADE RELATIONSHIPS THROUGHOUT THE WORLD—ADDRESS BY SECRETARY OF COMMERCE STANS

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the RECORD an address by Secretary of Commerce Stans before the British-American Chamber of Commerce in New York City on December 1, 1970.

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

ADDRESS BY THE HONORABLE MAURICE H. STANS

Today we come together at a time when trade relationships throughout the world are very much in a process of change, and so there are some uncertainties about the future.

CHANGED CONDITIONS

The principal change that has occurred from our standpoint in the United States is the fact that we are no longer the dominant trading nation of the free world as we were for a time after World War II.

Other nations have grown rich and productive and competitive and strong, and this is a condition we welcome. Yankee traders have always been at their best in competition, providing the rules of the game are fair and equal for all involved, and we certainly prefer to live and do business in a world where prosperity and economic strength are expanding.

From the British viewpoint this is also a time of historic change. Britain stands on the brink of membership in the Common Market

at a time when the Market is expanding into one of the major trading blocs of the world.

So Britain, like the U.S., is entering a new competitive atmosphere—and today I would like to address myself to three fundamental points about these changing conditions in which all of us have a mutual interest.

First I would like to look briefly at our own trade policies, and reaffirm the direction in which we are heading. Then I would like to discuss the trade bill now pending in the Congress, and our mutual interests in it. Finally, I will offer a few observations on the Common Market, and on Britain's new relationship with it.

FREER TRADE

President Nixon has repeatedly made it clear that the United States is committed to the pursuit of freer trade.

The trade legislation he submitted to the Congress last year was pointed strongly in that direction. Among other things it asked for the repeal of ASP, for authority to negotiate limited tariff reductions, and for improved ways of dealing at home with the problems of industries affected by imports. In addition, all of the actions that have been taken by the Executive Branch in these past two years have had the effect of encouraging greater two-way trade among nations.

For example:

We have invited other major nations to join us in a concerted effort to reduce or eliminate nontariff barriers.

We have offered specific trade expansion help to the nations of Latin America, and we are seeking to extend tariff preferences to most of the developing countries.

We have significantly liberalized our trade list with Eastern Europe, and are still continuing to do so.

We are taking every possible step to achieve a more secure climate for foreign investments throughout the world.

And we have also launched a major export expansion effort of our own, which has had very encouraging results. Our exports have grown remarkably from the low point of two years ago.

PROBLEMS AND IMPEDIMENTS

Nevertheless, our problems are far from resolved. Some of those who engage in superficial analysis of our international trade position have stated that the resurgence of our favorable balance of trade has met all of our needs. This is completely fallacious.

For one thing, the balance of trade has not come back to a surplus anywhere near an acceptable level. Our balance of payments continues to run at a severe deficit. In the annual exchange of American dollars with other countries, the other countries are still coming out far ahead.

For another, we are concerned over many conditions and impediments that have developed in international trade in recent years.

We are all aware, for example, of the many non-tariff barriers that have risen over the past decade or less. Our trading position, very frankly, has been jeopardized by the maze of rules, regulations, tax discriminations, import restrictions, export subsidies, preferential trading agreements and investment restraints which have confronted us increasingly around the world.

We are also concerned that some of our major trading partners continue to do business in violation of the rules of the GATT.

Finally, we are concerned about some of the consequences of all these conditions. Notwithstanding the rise in our exports overall, we do have a deficit of imports over exports in many crucial items of trade, even some of our surplus categories are facing vigorous new competition; and it is a fact that in a growing number of American industries, large and small, plants are closing and increasing numbers of jobs are being transferred to other countries.

PROTECTIONISM VERSUS FREE TRADE

So we are faced both with a commitment to freer trade, and with conditions which impede it.

Our trade policy must reconcile the two.

This is not a simple matter of choosing between "protectionism" on the one hand and "free trade" on the other. We know that classic protectionism is self-destructive and has no place in the 20th century. We also know that absolute free trade is a myth which does not exist anywhere in the world.

The London Times stated recently, for example, that "European and Japanese protectionism (is) more comprehensive than anything . . . found in the United States." It stated that "Japanese industry and Common Market agriculture are the most heavily protected in the developed world."

We have to agree.

RECIPROCAL POLICIES

In view of these conditions, we are trying to develop trade policies which are realistic, in light of conditions that prevail. We are determined that our policies take into account the attitudes of others, and at the same time reflect our own best interest.

In short, we are seeking the achievement of freer trade through fairer trade.

We believe the key word in this effort is reciprocity. We ask for nothing more than fair and equitable trading conditions, and we pledge reciprocal trading opportunities in return.

Toward this end:

We want to achieve the fair and reciprocal application of all of the rules of the GATT.

We want to redouble our efforts to bring down non-tariff barriers, everywhere in the world.

We want to achieve better means at home for business and labor to adjust to the impact of sudden trade changes, so that new barriers will not be erected to international commerce.

And finally, while we are reasserting our own national self-interest in trade we must also make it clear to other countries that we stand willing to achieve harmonization of their views and ours in every way possible to improve the flow of trade between us.

Each of these we can support with honor and with confidence—and we hope each will have the respect of the other nations of the world with which we do business.

TRADE BILL

Having said that much about the framework of our trade policy, let me turn to the more specific matter of the trade legislation which is now pending in the Congress.

We are fully aware of the concerns in Europe over the possible effects of the Trade Act of 1970. Notwithstanding anything you may have read in the press, no one in a responsible position here believes you are indifferent to it.

Your concerns—and those of our mutual trading partners—deserve to be discussed, and I welcome this opportunity to do so.

May I begin by reviewing some pertinent history, and then offer some reassurances.

TEXTILES

First, as you recall the Nixon Administration did not seek the broad scope of restrictive possibilities which are now in the bill.

We did seek, instead, only the means to moderate the disruptive rate of growing imports affecting a single industry—the U.S. textile industry—which accounts for one person out of every eight employed in American manufacturing.

We did so reluctantly, but in the belief that it was absolutely necessary.

Regardless of statistics that have been provided by others, the hard fact is that jobs are being lost in the American textile industry at an increasing rate, almost in direct ratio to rising imports. Since January 1969, 113,000 U.S. textile jobs have disappeared. Over the same two years, according to Dun & Bradstreet, more than 400 firms have closed; others are on reduced time.

Behind this lies the fact that we are the only major unrestricted market in the world for man-made fiber textiles and wool. We do not have restrictive agreements on the flow of these products, such as those which already exist between Japan and a number of other nations, including Great Britain.

As the world approached over-capacity in synthetic textile production, the American market approached the saturation point, and severe damage to our domestic industry has set in. The rapidity of increase in imports became a tidal wave, and the industry had neither time nor means to adjust to it.

I believe, without any doubt, that every nation in Western Europe, if confronted with a similar trend in a domestic industry of comparable importance, would have taken steps to protect that industry.

LONG-TERM ARRANGEMENT

Our first step was to seek an international agreement to cover the world's growing trade in synthetic fibre textiles, similar to the Long-Term Arrangement on Cotton Textiles to which all of us are parties.

The success of the LTA may be measured by the fact that it has twice been renewed, most recently just a few months ago.

Every exporting country which has participated in the LTA has been able to share in the continuing growth of the American market for cotton textiles.

GATT AGREEMENT

Under the new international agreement which we sought, all participating countries would have been able to share in the continuing growth of the American market for synthetic textiles and wool.

We sought to achieve such an agreement through the GATT, but we did not succeed. Ironically, on November 23 a report in the Washington Post stated that if the so-called Mills Bill is passed, "the Common Market is likely either to propose multi-lateral talks in GATT, or negotiate bilaterally with her trade partners, to control textile exports."

We wish this thought had prevailed many months ago.

HEATED RHETORIC

In the wake of our own failure to achieve either multilateral or bilateral agreements on the subject, the Congressional process began.

As we all know, it has generated a great deal of heated rhetoric. One of your own British trade spokesmen said recently that discussion of the bill has been "too damn polite for too damn long."

Open threats of retaliation are being made.

We believe the time has come to cool the rhetoric.

We recognize that a certain amount of it is designed to generate Congressional fears, and contribute to the defeat of the bill.

But inflammatory terms such as "trade war" and "retaliation" tend to over-simplify very complex problems, and today's problems cannot be approached effectively from these antagonistic positions.

This does not mean that we do not take Europe's threats of retaliation seriously. We do. But we should all realize that no country is invulnerable to the retaliation process—and none will gain by it.

REASSURANCE

The most fundamental point to realize about this bill is the fact that on every major issue it delegates responsibility to the President to act. This being so, the concern should not be with the law itself, but with the way it will be administered if it becomes law.

With all the melodramatic scare talk that has centered around the bill, the broad pow-

ers it would give to the President to assure fair and freer trade have been largely overlooked. Yet the expanded role of the President is the most significant single fact of the bill.

The President has tremendous discretion to avoid quotas under the textile and shoe provisions of the bill, and under the revised escape clause procedures of the bill.

If the bill becomes law, I give you this assurance:

The same Administration which did not seek it in its present form will not administer it in such a way as to provoke an international trade war.

I am not here in defense of the legislation as it stands. Instead, I am an advocate of the Administration's trade legislation as it was introduced some months ago together with quotas for textiles and DISC. But if the bill as it passed the House of Representatives becomes the law of the land, it will be administered with wisdom and restraint, in full view of the President's firm commitment to fair and freer trade.

REACTION

Recognizing all of the options and the safeguards which are built into the bill, we cannot help but wonder if some of our friends in Europe might not have over-reacted to the Trade Act of 1970. We wonder if they might not have conjured more of a danger than is really there—for the fact is that if the Mills Bill becomes law world trade will continue to expand.

We have no intention of closing our borders, and so we do not expect to see the spectre of massive retaliation. Other nations will continue to want to buy goods and services from us, just as much as we want to sell them.

We have no wish to close our markets, anymore than any other nation wants them closed—for others want to share in all that we offer as the greatest export market on earth.

In short, we do not believe that anyone will provoke a trade war, or retaliate against retaliation, or launch a new age of economic isolationism.

Our commitment to freer trade under more reciprocal conditions will be met.

DISAGREEMENTS

We hope that our trading partners in other parts of the world—principally the Common Market in Europe, and Japan in the Far East—will make a similar commitment to freer trade through fair, equal, reciprocal practices and policies.

Unfortunately, we feel at the moment that in some ways the Common Market does not share such a commitment. We look upon its agricultural policies, its border taxes, its preferential trading agreements and several other practices as being discriminatory against the United States, and not in the best interests of friendship or freer trade.

In particular we feel that enlarging the E. E. C. through preferential arrangements rather than full membership is a distortion of the original concept, and is contrary to the world's interest in better trade relations and freer trade.

We look to Great Britain hopefully to serve as a possible harmonizing factor on this matter. We are anxious, on a continuing basis, to resolve issues of this kind before they can become major problems which will split the world into hostile trading blocs.

We are not quite certain this desire exists on the European side. Over the past few months, in fact, we have wondered if some of the intensified European criticism which has been directed at the Mills Bill might not have been designed deliberately to divert attention from some of our complaints against the Common Market.

COMMON MARKET

But notwithstanding those complaints, the United States strongly reaffirms its support of the Common Market. We believe the inclusion of Great Britain and other members of the Outer Seven will be to the world's benefit, and this growing economic union in Europe could lay the groundwork for generations of political stability and peace.

Some of this enlargement inevitably may damage some aspects of U.S. trade. But we are prepared to adjust, where there is also a willingness to adjust on the other side, matched by an equal commitment to fairness.

We recognize that Britain's interest is basically with Europe and the Common Market. But we also recognize and greatly value Britain's traditional ties with the United States, and we hope the full-fledged British membership in the Common Market will serve to bring us all closer together.

CONCLUSION

Without doubt we live at the most exciting economic time in history. Never before has so much of the world tried to develop or achieve a better life at a single time, and never before has so much of the developed world had such great productivity, technology and resources.

For its part, the United States seeks nothing more in this continuing process than new and expanded partnerships, fair rules and competitive equality, all in a spirit of reciprocity among nations.

Fortune Magazine recently noted that business everywhere is outgrowing national boundaries. Trade and investment have shown their great capacity to rise above other barriers to friendship and to hold men together in common interest.

We pledge ourselves to pursue policies with all the nations of the earth which will contribute to that bond. Mutual economic progress, we believe, has become man's greatest hope to tie together all the nations of this earth, in abundance and in peace.

## CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

## PUEBLO DE TAOS INDIANS CULTURAL AND CEREMONIAL SHRINE PROTECTION ACT OF 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The assistant legislative clerk read as follows:

A bill (H.R. 471) to amend sec. 4 of the act of May 31, 1944 (48 Stat. 108).

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

There being no objection, the Senate proceeded to consider the bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

Mr. METCALF. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. STEVENSON). The Senator will state it.

Mr. METCALF. Mr. President, on my desk is an amendment to H.R. 471 intended to be proposed by the distinguished Senator from Oklahoma and his colleagues.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. METCALF. The amendment is identical to the bill that was stricken out by the Senate committee, and the Senate committee has a substitute before us.

My parliamentary inquiry is: Is it in order to vote for the amendment proposed by the Senator from Oklahoma or the amendment of the committee, and which would be the first measure to be voted upon?

The PRESIDING OFFICER. If the amendment of the Senator from Oklahoma is identical to the House language, the amendment would not be in order. The question would come on whether the Senate committee language should be substituted for the House language.

Mr. METCALF. I thank the Presiding Officer.

I direct this statement to the attention of the Senator from Oklahoma, who is in the Chamber, and I suggest that unless there are perfecting amendments or other minor amendments, the whole question on this bill is going to be voted up or down on the committee amendment and it will be not in order to submit an amendment after the committee amendment is voted upon.

The PRESIDING OFFICER. Once the committee amendment in the nature of a substitute is agreed to, floor amendments would not be in order except by unanimous consent.

Mr. METCALF. I thank the Presiding Officer.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mr. JACKSON. Mr. President, legislation dealing with the desire of the Pueblo de Taos Indians to gain title to lands within the Carson National Forest in New Mexico has been pending before the Congress for a number of years. After long and careful hearings in the 89th, 90th, and 91st Congress, H.R. 471, as amended and as reported by the Senate Interior and Insular Affairs Committee, is now before the Senate.

It is my view, and it is the view of a majority of the members of the committee that the committee amendment to H.R. 471 provides a fair, reasonable, and workable solution to this long standing controversy. The committee amendment protects the Taos Pueblo Indians religious shrines and ceremonial areas and, at the same time protects the general public interest in maintaining the Carson National Forest in public ownership. More important, as reported by the committee the bill does not reverse the important and long standing congressional policy of money compensation

rather than payment in land which was established in 1946 when Congress adopted the Indian Claims Commission Act. If the committee's position is not sustained by the Senate and if an amendment is adopted to transfer title to land it is my view that a precedent will have been established which will result in a host of claims by many other Indian tribes to lands within the Nation's national forests, parks, monuments, and recreation areas.

ISSUES PRESENTED BY H.R. 471

The problems presented by H.R. 471 are difficult and complex. They will not yield to slogans and simple answers. The solution proposed by the committee required a careful balancing of a great many conflicting desires and interests in the uses to be made of the land within the Carson National Forest. It also required a careful balancing and a sensitive appreciation of the many national issues which are of concern and which in important respects are involved in the Senate's action on H.R. 471. These issues include:

First. The legitimate desire of Indian communities to be legally safe and secure and free from interference in the use of Federal lands which are of unique historical, cultural, and ceremonial significance to their members;

Second. The protection of the rights of other members of the public who may have legal interests in the same lands claimed by an Indian community;

Third. Avoiding any Federal action which abridges in any manner the Constitution's first amendment ban which provides that "Congress shall make no law respecting an establishment of religion";

Fourth. The public interest in maintaining the high management principles established for national parks, forests, monuments, and recreation areas, and insuring that these areas remain open and accessible to all Americans;

Fifth. The need for conservation management programs which will continue to insure that all Federal lands are free from the ravages of fires, erosion, and pollution; and

Sixth. The necessity of avoiding the establishment of a policy, a system, or a precedent which could result in great portions of the Nation's national parks and recreation areas being closed to the general public or being commercially developed at some future date.

All of these issues are of great importance and require careful consideration. I want to discuss two of them at some length: First, the need for a uniform national policy to deal with cases of this nature; and second, the precedent which adoption of the House-passed bill could establish.

NEED FOR A NATIONAL POLICY

The Taos-Blue Lake controversy has made clear that there is a need for a national policy for preserving and protecting areas which are of unique cultural and ceremonial significance to American Indian communities. At present, there is no declared congressional policy and no system of policy implementation which allows Indian people to maintain their traditional heritage and traditional practices on federally owned lands which have special cultural or ceremonial significance.

In the past, the practice has been to deal with the desires of particular Indian communities on a case-by-case basis. In some cases administrative action has provided temporary solutions. In others, congressional action has been required. In far too many cases, however, the legitimate desires and expectations of Indian communities to use Federal lands for traditional cultural and ceremonial uses have simply been ignored or have been frustrated by management practices which are incompatible with the uses the Indian community has customarily made of the land.

On October 13, 1970, I introduced legislation, S. 4469, the National Indian Cultural and Ceremonial Shrine Act," which would establish a uniform procedure whereby all recognized Indian tribes would have an opportunity to petition the Secretary of the Interior and request him to recommend to the Congress the establishment of a national Indian shrine for their use and benefit. The procedure is fair and just to all concerned parties and insures that their views will be considered and that their interests will be protected.

H.R. 417 as reported by the Interior Committee is not inconsistent with the measure I have proposed to establish a uniform national policy on problems of this nature. The bill as recommended by the committee deals only with the specific fact situation presented by the Pueblo de Taos claim. It represents an effort to provide a final settlement to a longstanding conflict over the use and administration of the lands in question. It does not, however, represent a precedent for future cases or an expression of national policy on the handling of religious, sacred, or ceremonial land claims which have been or which may be advanced by other Indian communities. In ordering H.R. 471 reported to the Senate the committee has made clear that it was reserving a decision on the national issues presented by sacred and ceremonial land claims until there was an adequate opportunity to develop a comprehensive policy which would allow the fulfillment of the legitimate aspirations of particular Indian communities and, at the same time, protect the rights of the public in the administration and management of the country's national parks, forests, monuments, and public lands.

It is my hope, Mr. President, that the Senate will approve the bill as reported by the committee and allow an opportunity for an early and rational consideration of legislation to establish a uniform national policy early in the 92d Congress.

PRECEDENT

I am gravely concerned, as are other members of the committee and the leaders of national conservation organizations that the adoption of language providing for a grant of title to lands within the Carson National Forest to the Pueblo de Taos will set a precedent which will have the effect of opening all lands within the national parks, forests, monuments, and recreation areas to land claims by Indian tribes all across the Nation.

In my view, many people who are sympathetic to the contentions advanced by the Pueblo de Taos Indians have allowed their concern for this specific case to overshadow and obscure the larger public policy issues which are involved. The Senate and the Congress have a responsibility in connection with any action dealing with the public lands to consider not only the interests of specific claimants, but also to consider the interest of the public in the future management of lands which belong to all of the American people.

It has been said by some that the Pueblo de Taos case is a "special" case; that it is distinguishable from other situations; and that it will not establish a precedent for granting park and forest lands to other Indian tribes and communities. This contention does not square with the facts.

I am aware of a number of specific cases involving land claims for religious and ceremonial use by other Indian tribes which cannot be distinguished from the Pueblo de Taos case. These cases involve claims by the Hopi Tribe to the Coconino National Forest; claims by the Cochito Pueblo to the Santa Fe National Forest and the Bandelier National Monument; claims by the Santa Clara Pueblo to the Santa Fe National Forest; claims by the San Juan Pueblo to the Carson and Santa Fe National Forests; claims by the Nambe Pueblo to the Santa Fe National Forest; claims by the Zuni Indians to the Cibola National Forest; claims by the Mescalaro Apaches to the Lincoln National Forest; and claims by the Jemez Pueblo to the Jemez Forest Preserve.

In addition, there are many other claims which are based, at least in part, on grounds other than religious and ceremonial use which will be influenced by the action the Senate and the Congress take on H.R. 471. These include the claim of the Yakima Tribe in my State to 22,000 acres of the land in the Gifford Pinchot National Forest; 11,000 acres of the land claimed is within the Mount Adams National Wilderness Area. The claim of the Yakima Tribe is based on a surveyor's error and has substantial merit.

Other claims which were discussed in the committee's hearing records involve the claim of the Warm Springs Reservation in Oregon to part of the Mount Hood National Forest; and the claims of the Flathead, Crow, and Blackfeet Tribes in Montana to the Bighorn National Monument, Yellowstone River, and Glacier National Park. For every claim which has already been made to date, it is my view, that there will be ten more within a matter of days if the Congress enacts a Pueblo de Taos bill granting title to lands within the Carson National Forest.

In short, Mr. President, H.R. 471 as passed by the House of Representatives creates more problems than it solves. That is why I cannot support it and why the Interior Committee has recommended an amendment in the nature of a substitute. The bill reported by the committee will preserve this area, protect it

from any desecration, and meet all of the legitimate requirements of the Taos Indian tribe. Most important, I do not see that the Senate bill will set a precedent which will create additional problems for future sessions of Congress.

It has been difficult to deal with this problem because of a lack of understanding by the press and many others of the history, the facts, the legal situation, and the problems that would arise if title to the lands in question is transferred to the Pueblo de Taos Indians. Many articles and public utterances have been published which say the Taos Tribe had title to the Blue Lake area and the Government confiscated the land. It has also been contended that:

> The only sound way to assure the continued survival of the Taos religion and culture is to restore the title to the lands to the Indians.

The first contention is simply not true. As to the second contention, I do not know how Congress can restore title when the Indians never had title to this tract of land.

The Indian Claims Commission has not ruled that they had title, speaking in the legal sense. The Commission ruled that the Indians had "aboriginal use" or what has come to be commonly referred to as "Indian title." These phrases simply mean that the tribe traditionally roamed, hunted, and fished over this area. This was true with all Indian tribes however, and the terms do not denote legal ownership. Indian tribes generally had aboriginal or Indian title to the areas over which they traditionally hunted and fished and from which they obtained their subsistence. There is, therefore, a great difference between "legal title" and aboriginal or Indian title.

Failure to understand or recognize these distinctions has been one of the main obstacles to achieving a clear understanding of what is involved in this legislation. If the House position is accepted, and if the Taos Indians are entitled to receive a trust title to this land, then why would not every other tribe in the United States have the same right to seek trust title to the lands over which they roamed? Other tribes have a like claim. How can we say to one tribe, "We will give the Taos Indians the land they claim," but say to other tribes, "You must accept a cash payment" as provided in the Indian Claims Commission Act? There is no doubt in my mind that if a bill is passed giving trust title to the Taos Indians, the Congress will be besieged by requests from other tribes for like treatment. I think this may be particularly true of the other 18 pueblos in New Mexico, each of which received four-league square grants for their reservations but who also roamed over large areas outside the reservation. As a matter of fact, I am informed that some of the tribal officials from other pueblos have already discussed this with Senator ANDERSON and his staff.

To insure that Members of the Senate will appreciate the magnitude and the ramifications of the pending legislation I want to quote from the committee hearing record on this matter in the 90th Congress:

> Senator HATFIELD. So this question of land in lieu of money has been before us for some time and we are not only setting a precedent with Indians relating to Indian practices but we must deal with the type of claims that will relate to the future Indian Claims Commission.
>
> Let me remind you the Seminole Indians have a claim in that their aboriginal title has been recognized. What could we do to prevent them coming in and asking for a section of the Everglades National Park in lieu of money?
>
> If you study their history you will find their ancestral lands were sacred to them long before the first Spaniard set foot in St. Augustine.
>
> I believe we can go back and resurrect claims of Indians based on religion that are now part of our national parks, part of our national forests. That is why the Secretary of Agriculture's letter dated September 18 takes great exception to our position and represents a view that this does set a very questionable precedent in history, in his view.

A similar view was expressed by Kenneth B. Pomeroy, chief forester of the American Forestry Association:

> Mr. POMEROY. Compensation should not be made by "payment in kind." Paying a debt with publicly owned land abridges the rights of all other citizens in property held by the United States. If such a procedure is applied to other situations, it could have unexpected consequences.
>
> For example, the Indian Claims Commission has recognized the right of the Seminole Indians to about two-thirds of the State of Florida. A preliminary estimate has placed the value of the Seminole claim at $34,000,000. Would the Congress consider settlement of their claim by giving the Seminoles the Everglades National Park? or the Ocala National Forest? or Eglin Field Air Force Base? or the Okeefeenoke National Wildlife Refuge?
>
> I think the Congress was fully aware of the dangers inherent in "payment in kind" when it enacted legislation to establish the Indian Claims Commission. At that time the Congress specified that Indians claims will be paid in money.

CONCLUSION

I and the members of the Senate Interior Committee are not trying to contend that the Federal Government has always been right in its treatment of Indians; but if the Taos Indians' claims to certain lands were wrongly extinguished in 1906, the Congress has done the same to every other American Indian tribe. Therefore, if we are to reverse past policy in the Taos case, the other Indian tribes of this Nation have every right to expect the Government to reconsider their claims.

It is my view that the Senate Interior Committee's amendment in the nature of a substitute should be accepted by the Senate and that efforts should be undertaken to establish a national and a uniform policy on questions of this nature early in the 92d Congress. I have proposed S. 4469 as a first effort to define the parameters of a national policy for Federal recognition and continued protection of publicly owned lands which are of unique cultural and ceremonial significance to recognized Indian tribes. I am open to and welcome other suggestions dealing with this specific problem.

Mr. President, in connection with the remarks I have made concerning the impact of the language of the House passed bill as a precedent affecting our national parks, wilderness areas, national monuments, and national forests, I think every Member of the Senate should know that the conservation organizations of this country are unanimously opposed to the House passed bill. They fear what I fear—that we are establishing a precedent here which will involve, perhaps require land settlements in all Indian claims cases. It will mean, in many instances, a situation, if the House version passes, where we in the Senate will be confronted with many efforts to move into our national forests, national parks, and wilderness areas.

The able and distinguished Senator from Montana (Mr. METCALF) put in the RECORD yesterday a telegram and other statements from conservation organizations opposing the pending legislation as approved by the House, and, of course, supporting the version adopted by the committee.

Here are the organizations: Wildlife Management Institute, National Wildlife Federation, Trout Unlimited, Sierra Club, Izaak Walton League of America, American Forestry Association. The telegram is signed by Spencer M. Smith, secretary of the Citizens Committee on Natural Resources.

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

Mr. JACKSON. May I finish? Then I shall be glad to yield.

Mr. HARRIS. It is on that very point. The Senator said the Sierra Club supported the bill. I believe that is a mistake, and I think he would like to be corrected at this time.

Mr. JACKSON. They are opposing the House version of the bill.

Mr. HARRIS. If the Senator will yield further, I would like to read the telegram I received today. The telegram is addressed to me:

> Imperative you know the Sierra Club has not endorsed Senator Anderson's substitute bill which I personally oppose regarding Taos Indian Blue Lake Wilderness. Sierra Club has taken no stand on this issue. Similar messages were sent this morning to JACKSON, KENNEDY, and MCGOVERN.
>
> ELLIOTT PORTER,
> *Director, Sierra Club.*

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

Mr. JACKSON. I yield.

Mr. METCALF. I put the telegram in the RECORD. The telegram is signed by Mr. Spencer Smith, and enumerates the major conservation groups as outlined by the Senator from Washington, including the Sierra Club, the Izaak Walton League, and the American Forestry Association.

Mr. HARRIS. Mr. President, if the Senator will yield, that is exactly the point. Somebody else sent that telegram.

Mr. METCALF. Perhaps somebody else sent the telegram the Senator read.

Mr. HARRIS. Mr. Elliott Porter called my office last night, and followed it up with the telegram this morning.

Mr. JACKSON. Mr. Elliott Porter is simply on the board of directors of the Sierra Club. I met with the Sierra Club's

representative earlier. The club made clear its opposition to the House-passed bill. I think they probably are opposed to any legislation, but they are specifically opposed to the version that the Senator from Oklahoma is supporting, which is the House substitute language.

Mr. HARRIS. Mr. President, if the Senator will yield, what difference does it make to the Senator's argument, then, if they are opposed to his bill as well, if they are opposed to the Senate version? I am not sure that is the case, but if they are opposed to either bill, how does that bolster the Senator's argument?

Mr. JACKSON. Mr. President, the Sierra Club has not notified me that they are opposed to the so-called Anderson version. They have made it very clear, however, that they are opposed to the House-passed version, which the Senator from Oklahoma supports.

The reason they oppose it is that they know that if the House-passed version is approved, then we are going to have to face a long series of claims on the part of various Indian groups for an adjudication of their claims—not by payment of money, which the Indian Claims Commission Act specifically provides—but by specific performance, turning over title to land, which will invade our national parks, national monuments, national forests, and the other areas that the conservationists have fought for so long.

Mr. HARRIS. Mr. President, will the Senator yield right there?

Mr. JACKSON. Yes.

Mr. HARRIS. The Senator says that we would set a precedent by passing the House-passed bill because we would be compensating the just claim of this tribe not by money.

But if there is a question of setting a precedent, does not the Senator's position do so equally? It does not compensate in money; it gives what is called exclusive use of a national forest. That is the first such precedent I have ever heard of.

Mr. JACKSON. I would point out that the significant difference, of course, is that the Anderson version leaves the administration of the lands in question under the Forest Service, so that other matters—conservation, fire protection, and so forth will be properly considered. This is our concern.

Does the Senator feel that where Indian claims exist involving wilderness areas, and so on, the tribe involved should come in and get title to those lands?

Mr. HARRIS. Mr. President, we made clear in the RECORD last night—the Senator was not here, but it is available to him—how this argument of a precedent being set by the House-passed bill is utterly demolished.

It is utterly demolished because there is no other claim such as this existing, despite, with all due respect, what the Senator has said, because I do not believe the Senator can point to any other such lands, where there has been, over a long period of time, 30 years or more, exclusive use by an Indian tribe of what is claimed to be a religious shrine.

But the argument is further demolished, Mr. President, because when we pass, as I hope we will, the House-passed bill, the Senator's committee will not be abolished. The Committee on Interior and Insular Affairs will continue to be there, and will continue to make free will judgments on each individual case. Senators will not be hamstrung; they can still decide justice in each individual case. I do not know of any oath I am taking as to future Indian claims that may come up, and neither is the Senator from Washington.

The Senator's claim of precedents being set is further demolished by the realization, which I hope we will all come to, that justice must be done in the case before us. Let us do justice in the case before us, and then, as individual cases come up later, do justice in those cases.

Lastly, I would say to the Senator, in answer to his question, that what is really a dangerous precedent about to be set here would be if we passed the bill the Senator is advocating, carving out what will continue to be called a national forest, and taking out of public use altogether, a certain area, and granting exclusive use of that area to someone other than the public. That is the dangerous precedent involved, and I would ask the Senator to respond on that point.

Mr. JACKSON. Well, Mr. President, what we have done here is to achieve what the Indians have been doing, by irrevocable permit. We have provided for a guarantee by law of the right of the Indians to use this area for a religious shrine.

If we follow the House substitute, as the Senator from Oklahoma is proposing, of course, we would take the land out from under the Forest Service, and turn it over to the Bureau of Indian Affairs. I do not think the Bureau of Indian Affairs is in a position to adequately protect the proper conservation interests in the area.

I simply want to reiterate, Mr. President, and make it very clear—and the Senator from Montana (Mr. METCALF), who followed this matter very closely in the testimony before our committee, I am sure will agree—that the conservation organizations feel very strongly about this, and with good reason. We cannot dismiss the fact that we will have a series of requests for invasions and intrusions into areas that are of historical interest, areas that are of great recreation value conservation interest. I mentioned a situation in the State of Washington, my own State, where we have a beautiful wilderness area which the Yakima Indian tribe has made a claim to, and in the State of Montana, where they want part of a national forest.

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

Mr. JACKSON. I yield to my friend from Montana.

Mr. METCALF. The whole question involved here is, is it not, a transfer from the Forest Service to the Bureau of Indian Affairs?

Mr. JACKSON. The Senator is correct.

Mr. METCALF. And the agency in America that is most notorious for its incompetence in the management of lands is the Bureau of Indian Affairs; and the best agency in America in management of the public lands and watersheds under public control in the Forest Service.

The only significant difference—and I ask for the attention of the Senator from Oklahoma—between the Senate bill and the House bill is that we give to the Department of the Interior—and the Secretary of the Interior, whoever he may be—control of this land, instead of giving it to the Department of Agriculture, which has managed this land so well and so competently over the years.

Mr. JACKSON. Mr. President, may I also add that I do not know what the Indians really want, beyond what Senator ANDERSON has proposed in his substitute. It will take care of all of their cultural and religious interests in the area. But the idea of conveying title in trust, of course, opens the door for similar requests from other Indian groups in the United States.

Mr. HARRIS. Mr. President, will the Senator yield at that point?

Mr. METCALF. Just a moment. Will the Senator wait a moment?

Mr. HARRIS. The Senator asked for my attention.

Mr. METCALF. Just a minute. It will open the door to similar requests for transfer in trust from national parks, wilderness areas, national monuments, and all these things that we thought were secure for the benefit, in the public interest, of all the people.

Mr. JACKSON. The Senator is correct. And right at that point, Mr. President, I ask unanimous consent to have printed in the RECORD, from the report of the hearings held by the committee on S. 750 and H.R. 471, the information contained on pages 218 and 219 of the hearings record which sets forth other known Indian religious interests in national forest lands. I ask unanimous consent that those specific areas, as identified on pages 218 and 219, be set out in the RECORD, at this point.

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

OTHER KNOWN INDIAN RELIGIOUS INTERESTS IN NATIONAL FOREST LANDS

*The Cochiti Pueblo,* in June of 1968, requested the Bureau of Land Management to transfer several thousand acres (approx. 24,000) of the La Majada Grant to the Pueblo for administration in connection with the Cochiti reservoir. The La Majada Grant is an LU project administered by the Santa Fe National Forest. The reasons for the request were that the land was needed for the development of a new city in connection with the reservoir, and as access from their present Pueblo to the Bandelier National Monument, where people from the Pueblo go each year in connection with religious ceremonies. The Indians also have shrines on Tetilla Peak within the LU project, but not within the area requested. If a precedent were established for transferring lands with religious significance, these Indians would undoubtedly apply for an additional area.

*The San Juan Pueblo* attempted to acquire title to a large acreage near their Pueblo through Federal legislation. Their intent was published June 6, 1966 in the Santa Fe New Mexican as a feature item. The tract included the National Forest land adjoining

the north boundary of the Santa Clara Indian Reservation, plus land around the City of Espanola. The claim was based on a use for centuries "for religious ceremonies, and for fuel and vigas."

*The Santa Clara Pueblo* filed a claim before the Indian Claims Commission labeled Docket No. 356, on August 11, 1951. Under this claim the Pueblo is requesting 30,000 acres of National Forest and AEC lands in the vicinity of Chicoma, Ciara, and Caballo Peaks, which they purportedly used for centuries and which have religious and ceremonial significance.

*The Havasupai Tribe* requested 180,000 acres within the Kaibab National Forest, the Grand Canyon National Park, and the Grand Canyon National Monument. The request was recognized by House Resolution No. 19072, introduced July 30, 1968, by Congressman Steiger. The request was based on their long use of the area and the need to improve the Tribe's financial resources.

*The Fort Apache Indians*, through Bureau of Indian Affairs officials, have indicated that they believe the boundary between the Sitgreaves National Forest and their Reservation to be erroneously located. They contend that the boundary should have been on the drainage line which would entitle them to approximately 11,600 acres of National Forest land.

*The Mescalero Apaches* have indicated for a number of years a desire to acquire the Ruidoso Creek drainage on the Lincoln National Forest. In 1963, they acquired the improvements for the ski area on Sierra Blanca. This could have been an opening wedge. In 1968, they requested Senator Anderson to introduce legislation to transfer this area to them.

*The Sandia Indians* have shrines on the Sandia Mountains. There is no evidence of the size of the area or amount of use.

*The Nambe Pueblo* has filed a claim before the Indian Claims Commission labeled Docket No. 358 covering a large area within the Santa Fe National Forest, much of which is within the Pecos Wilderness Area. They have identified Lake Tamoyoge Okwinge (Sandy Lake), Lake Kate Okwinge (Lake Katherine) and 16 other religious shrines which are important ceremonial grounds. These shrines are supposed to bring good luck in hunting and other endeavor. They are visited regularly and cornmeal strewn over them at the time of secret religious rites.

*The Hopi Indians* consider the San Francisco Peaks within the Coconino National Forest as sacred area which are the homes of their Kachina gods. A portion of their ceremonies in the area involve the changing of the tribal government from summer to winter. The gods are supposed to come from the mountain to the Hopi villages in the spring and return to the mountain in the fall. The size of the area involved in the ritual is not known.

*The Navajo Indians* have numerous sacred areas surrounding their reservation. Mount Taylor on the Cibola National Forest, Blanca Peak on private land in southern Colorado, San Francisco Peaks on the Coconino National Forest, Hesperus Peak on the San Juan National Forest, Huerfano Mountain on public domain and private land, Gobernador Knob on public domain, and Hosta Butte on public domain, are all considered to be sacred mountains. El Cabezon and the lava flows south of Grants on public domain and private land, the San Juan River on private land, Oak Creek Canyon on the Coconino National Forest, and Sunset Crater in the National Monument are also sacred places. The acreage in each site and the use are not known. However, the "Mountain Chant" and numerous other myths involve the seven sacred mountains. The Navajo forebears supposedly sprung from a lake in the midst of these mountains.

*The Jemez Pueblo* believe that Redondo Peak on the Baca Location No. 1, Pajarito Peak on the Espirtu Santo Grant, and Church Canyon on the Santa Fe National Forest contain religious shrines. The amount of area and use are not known.

*The Yavapai-Apache Indians* have requested additional lands in the vicinity of Camp Verde on the Coconino National Forest, and Payson on the Tonto National Forest. These requests appear to be on the basis of aborigine use. They contend that the Yavapai Tribe occupied much of central Arizona in prehistoric times. They were moved to the San Carlos Reservation in the late 1800's where they lived with the Apaches for a time. However, they were discontented and were moved to the Ft. McDowell Reservation on the Verde River from which two bands moved up the Verde River to the Camp Verde and Payson areas. The Bureau of Indian Affairs acquired privately owned land at Camp Verde for the use of that band, but the Payson band more or less "squatted" on the National Forest with no authority for their occupancy.

Mr. HARRIS. Mr. President, will the Senator yield on that point?

Mr. JACKSON. I yield.

Mr. HARRIS. May I first say that the question was, "What do the Indians want?" That is rather clear, and it is documented over the last 60 years. They want title to this land, title that will be held in trust by the Department of the Interior. I think Indians have learned rather well from us non-Indians that "title" is an important word.

The Senator asks: Are we not doing about what the Indians want, anyway? Mr. President, if there is no difference, why not do it the way the Indians want? That is my question.

I ask one other question, in reference to the list which the Senator from Washington——

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

Mr. HARRIS. I should like to ask one other question in regard to the list that the Senator put into the RECORD about other similar claims.

Each of those is clearly distinguishable from this. But if the Senator thinks they are not, does the Senator intend to say to the Senate that if we adopt the House bill, he will no longer be a free agent and will somehow be required to vote favorably on all these other claims?

Mr. JACKSON. I will take the last question first. In conscience, one Indian tribe cannot be treated differently from another. If we take that position and try to say that a certain case is special and unique and different, then I think we are engaging in a gross injustice to Indians generally.

I happen to be the author of the Indian Claims Commission Act. I have been interested in providing justice to American Indians for a long time. For years—since the founding of this Republic—an Indian tribe, an Indian, could not come into court and advocate a just claim against the Government. It took the Indian Claims Commission Act to be able to do that.

Prior to adoption of the Claims Commission Act we had to pass a special bill to provide jurisdiction in the court of claims. I was the author of the Claims Commission Act, and I have followed this matter closely. We made a fundamental decision in 1946 that we were not going to settle past wrongs by simply handing out land. If we adopt a new policy of handling out land as a means of final settlement, we are going to raise serious questions about the whole land title situation in the United States.

Mr. HARRIS. Is not the Senator here advocating the violation of his rule, himself?

Mr. JACKSON. No. We are giving the Pueblo de Taos Indians in effect, a guaranteed use in connection with a right they have been performing over the years.

Mr. HARRIS. Rather than money.

Mr. JACKSON. No. The Indians do not want the money.

Mr. HARRIS. Exactly.

Mr. JACKSON. I understand that. On the other hand, we are recognizing that they have been using this land in part. They obviously are not using all 48,000 acres at all times. This is physically impossible. But we recognize that this is a historical and cultural and religious shrine.

I introduced a bill—I spoke with the able ranking minority member of the committee, the Senator from Colorado (Mr. ALLOTT) about this, and the Interior Committee will go into it later—which would recognize the existence of the right of Indians to be protected in those areas that are being utilized for religious, historical, and unique purposes. I think this is fair. But to turn around and go to the other extreme and grant title in trust, we are really going to create some serious problems.

Mr. HARRIS. I thought the Senator said there is no difference between the two.

Mr. JACKSON. There is a vast difference. If title is granted the lands can be open to logging, lumbering, mining, and to purposes that are totally inconsistent with the recreation and conservation programs of this country. That is why the conservation organizations are against it.

Yesterday the able Senator from Montana put a telegram in the RECORD. This is what it said:

> While sympathetic to desires of Taos Indians for exclusive use of Blue Lake area, Carson National Forest, granting title to land would set dangerous precedent for opening national parks, wildlife refuges, other public lands to similar claims. Objective of Indians suitably met by proposed Senate Interior Committee amendment, which also safeguards all public interests, in opinion of these major conservation groups: Wildlife Management Institute, National Wildlife Federation, Trout Unlimited, Sierra Club, Izaak Walton League of America, American Forestry Association.
>
> SPENCER M. SMITH,
> *Secretary, Citizens' Committee on Natural Resources.*

This is the nub of the issue, as I see it. I think it is important that we not establish a precedent here that is going to haunt us in connection with the requests by Indian tribes that I have already placed in the RECORD, which are pending and have been pending for some time, for the same kind of special legislative treatment. That is the conveyance of title.

I think this poses some serious problems about which every conservationist is going to have to think long and hard.

Mr. METCALF. Mr. President, will the Senator yield on that point?

Mr. JACKSON. I yield.

Mr. METCALF. I am going to talk on that point now, because I should like the Senator to yield to the Senator from Arizona.

The same is true in the State of Montana. The Flathead Tribe has a mistaken survey, and they have come in, and the Federal Government has admitted that there is a mistake in the survey. They want a part of the national forest. That bill has been held up in committee. The Flathead Tribe, the Yakima Tribe, and other tribes certainly are entitled to the return of their land a great deal more than the Taos Indian Tribe. The only thing is that we have said that we will try to do "justice"—and I am putting that word in quotation marks in deference to the Senator from Oklahoma—to the Indians by the Indian Claims Commission Act, whereby we compensate them for the land that has been taken either justly or unjustly. We treat every Indian tribe exactly the same. We treat the Taos Indians exactly the same as we treat Yakimas, the Flatheads, the Blackfeet, and all the others.

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

Mr. METCALF. Yes. The Senator has the floor.

Mr. JACKSON. I just want to clarify a point.

The Senator from Oklahoma mentioned the fact that there is no money compensation. I think it should be pointed out that in the committee amendment, the right to use the land is to be an offset against their claim which is now pending before the Indian Claims Commission. So that this will be a factor in the final adjudication of the claim.

I want the record to be clear on that.

Mr. METCALF. I think the Senator from Arizona is seeking an opportunity to speak.

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

Mr. JACKSON. I yield.

Mr. GOLDWATER. The Senator does not have to yield, because, as I told him, I cannot support his approach.

I think we are overlooking one important thing here. This will not establish a precedent.

Frankly, I have to say, coming from a State that has 27½ percent of its land in Indian reservation and contains approximately 40 percent of all the Indians in the country, that I have often thought it would be a good idea some day to give them title to their lands and put them on the tax rolls and let them live like the rest. But that is beside the point.

I think we can control this, because what these Indians are asking for—and I have not heard this mentioned—is the use of land that we would say is religious land. It would be the same as our asking for a piece of land on which to build a church. I recall once getting a piece of land in Oak Creek Canyon, Ariz., for that purpose. There is a beautiful church built on it now.

On page 218 of the hearings, I note some of the uses the Indians have asked for. There is the Havasupai Tribe which has been pushed down into the Grand Canyon. They had lands on top of the south rim of Grand Canyon. It is not for a religious purpose so that if the committee did not want to get into this, they would not have to. There is no religious purpose attached to it.

The Fort Apache Indians have another argument about the boundary being falsely laid between their reservation and the Sitgreaves National Forest.

The Hopi Indians' religion—that is, the Pueblo Indians, like the Taos—is very similar. Land is part of their religion.

For example, the Hopis believe that the Kachinas, their gods, actually live on the San Francsco Peaks, and that during the solstice, the Kachinas come down from the peaks and go into the different pueblos.

The are not asking—I know this—for any part of the San Francisco Peaks. But this is religion to them, that the Kachinas go running through the trees and medicine men actually go there and sit beneath the trees and they can see the different Kachinas going by and then the medicine men come back to the village and duplicate them.

The Navajos' religion is built on mythology and legend. Their sacred places are in the mountains and large rock formations. They are just as sacred to them as anything in our religions is to us.

So, it is not a question of being fearful about precedent being established. We can control that.

When Indian tribes, such as the Taos, ask for this lake, they do so because hundreds of years ago, in 1200 or 1300, Indians came to live there. The lake has been a part of their religion ever since.

We make the argument about the Navajos using peyote, which is dope. Well, they will say to us, "You Christians use wine in your religious ceremonies. We use peyote." They might also say to us, "You go and worship in a church which you have built. We go and worship on a mountain. We go and worship by a lake. We go and worship on a rock." All that has meaning to the Indians. All of these rocks, mountains, streams, and lakes, we have out there, they all have some definite religious meaning.

The Hopi Indians will not allow any exporation for oil, or even water, on their lands, because the Masao is their god of the land, and they do not want people sticking holes in their god Masao. If anyone asks them for the name of a god of a certain piece of land, they can tell him without surveying it or having any map.

Mr. President, I would be hopeful that my colleagues would vote today for these Indians. I do not see it as any precedent even though, as I said earlier, I would not object to it being a precedent because I believe that one of these days we should turn the lands over to the Indians in title.

This is merely a religious request.

I can understand the feelings of the Indian tribes, having lived among them all my life, especially their interest in acquiring certain pieces of property, even though it might mean going into a national park. If we yield to the Havasupai request we would have to take a small piece from the Grand Canyon National Park. I do not see any reason why any tribe, unless it does have a religious interest in the Glacier National Park—and I have never heard of it—would want that land except for religious purposes.

Again I suggest to the able chairman that we can certainly control this by stating that no land will be given in fee title, that no land will be given or even allowed to be used, if that is the case, unless they are wrapped up in some religious meaning to the Indians.

We have to remember, maybe, one or two other things, that the Spanish kings recognized the rights of the Indian tribes to certain of the lands. I believe that the Treaty of Guadalupe Hidalgo, which was signed in 1848, the treaty between the United States and Mexico, recognized the historic position of the Indians on these lands.

Some of the lands have been expanded. The historic Navajo Reservation was very small, contained in Canon de Chelly. Now it is spread out over 16 million acres. Much of the western part of that Navajo Reservation has no religious significance at all to the tribe.

Thus, I hope that Senators will take a look at this the way I think it should be looked at, as to what the Indians desire, and what I would like to see them get; namely, their rights to these religious lands, just as we have the right to go to the church of our choice. They should have the same rights, even though their religions, I must say, are completely different to ours.

The Hopi Indians have over 250 different gods. The Navajos, I do not know how many they worship, but mostly in legend and mythology.

Let me mention just one example. In the Canon de Chelly, which is a national monument, there is a rock called the Spider Rock. The Navajos who live there have never asked for this rock. We have never had any problem about it. I do not believe they would ever ask for it.

There is a legend about the Spider Woman, that she taught them how to weave and she taught them at the Spider Rock. The Spider Woman became a god to the Navajos. The Navajos are good weavers to this day, but they never weave a perfect rug. They always leave a little hole so that the Spider Woman can go through.

That is one example. I could give hundreds more, all over Arizona, New Mexico, southern Utah, and parts of southern Colorado, that has tremendous religious significance. The Indians look upon that area as we look upon Jerusalem. The Taos look to the Blue Lake. The Navajos look to the mountains, the Hopis to the San Francisco Peaks.

Now, Mr. President, I thank the Senator from Washington for yielding to me.

Mr. JACKSON. Mr. President, may I respond briefly.

I want to compliment the Senator from Arizona for a very fine statement. We all want to do justice to the Nation's Indian people and to see to it that their historical practices are protected. I would

be the last to dispute that right. I fully support that objective.

I think the problem here is how we achieve this objective. I mentioned in my opening remarks that on October 13, 1970, I introduced S. 4469, the National Indian Cultural and Ceremonial Shrine Act of 1970.

This bill would establish a uniform procedure whereby all recognized Indian tribes would have the opportunity to petition the Secretary of the Interior and request him to recommend to Congress the establishment of a national Indian shrine for their use and benefit.

Mr. President, let me read from the declaration of policy in the proposed legislation:

> There is hereby established a "national system of Indian cultural and ceremonial shrines," all units of which shall be designated, preserved, and managed in accordance with the provisions of this Act. National Indian cultural and ceremonial shrines shall be designated by Congress as "Indian shrine areas" and shall be preserved and administered for the use of recognized Indian tribes in such manner as will afford full protection for the natural condition of the designated lands and afford the members of the tribe an opportunity to maintain their traditional practices and their cultural and ceremonial heritage.

Mr. President, my plea is that we adopt a uniform policy such as is contained in S. 4469. I must say that the proposal of the Senator from New Mexico (Mr. ANDERSON) is in keeping, on a singular basis, as it applies to the Taos, with the policy statement I have just read from in S. 4469.

I reiterate to my good friend from Arizona that I think we are all in accord here as to the need to protect the historic religious practices of the American Indians. What I am worried about is transfer of title means that uses can be made beyond what we are talking about; namely, religious practices, and the preservation of their cultural aspects in areas which are important and most significant to specific tribes. This is my point.

Mr. GOLDWATER. Mr. President, I think that the Senator's point is very well taken. I know of his proposed legislation. I certainly hope that it comes to the floor. I think that we ought to enact it. But in the meantime I feel that the legislation that will be proposed by the Senator from Oklahoma will better answer this problem than the step we are taking today. We are not really saying to these people, "This is your shrine. You use it." We are saying that they can continue to use it as they have in the past without being molested.

To me, it is like someone telling me, "You can continue to go to your church, but it is no longer your church."

Mr. JACKSON. I would say that obviously we cannot compensate in dollars for the taking away of the land area that is in fact—if it is a fact—a part of a religious practice or a ceremony.

There would be no way to compensate for that, because that is a practice that is tied to a specific area of land and no other.

That is why I think there is validity here in doing what the Senator from New Mexico (Mr. ANDERSON) has proposed.

Mr. President, I yield the floor.

Mr. ALLOTT. Mr. President, I have been extremely interested in the colloquy which has just occurred. Of course, I am sure that no Member of the Senate is as knowledgeable over all of Indian history and Indian lore as the distinguished Senator from Arizona (Mr. GOLDWATER). We all recognize this.

The position of the committee in this matter was not arrived at easily, nor without a great deal of soul searching and analysis. It was arrived at only after consideration of not only what has occurred in the past, but also consideration of where we are going in the future with this particular subject matter.

Mr. President, I rise in support of the committee substitute for the House-passed version of H.R. 471. I have considered this question carefully and have come to the conclusion that the House passed version of H.R. 471 creates a dangerous and undesirable precedent—the granting of lands in lieu of money to pay judgments against the United States.

The claim, which this legislation is designed to settle, resulted from the inclusion of the land in question in the Carson National Forest in 1906. The Indians claimed that they had traditionally roamed this area and therefore had aboriginal Indian title to the tract.

The area consists of the high mountain watershed known as the Blue Lake and Rio Pueblo drainage area. The Indians claim that Blue Lake is the source of their water, and Blue Lake, the surrounding peaks, together with the streams flowing from the area, are sacred. They claim that they worship at these shrines; that their religion is secret, and to reveal the times, places, and modes of worship would desecrate their religion and destroy its power.

In the early days of the Spanish explorers, the Spanish people settled in the area to the south of the Taos Pueblo and the Spanish settlement of Taos was established. Rio Pueblo and adjoining Rio Lucero furnished water for domestic and agricultural purposes for both the Spanish and the Indians.

When the original Taos Pueblo reservation of about 17,000 acres was granted to the Indians, it was later found that some of the Spanish settlers and the village of Taos were on land granted to the Indians. While the land grant was made by the Spanish Crown, under the Treaty of Guadalupe Hidalgo, the U.S. Government assumed sovereignty over all of the vast regions of the Southwest, and President Lincoln confirmed a grant of 17,360 acres to the Tao Pueblo in 1864. This was a tract of four square leagues surrounding the Pueblo, but it did not include the Blue Lake area or any of the land included in H.R. 471.

The land taken by the Spanish settlers and the village of Taos was about 900 acres. Congress determined that the only way to settle the matter was to pay the Indians in cash for the reservation lands taken by the Spanish settlers since they were there in good faith, not knowing they had settled on Indian land. In 1924 Congress passed an act which established the Pueblo Lands Board. The Board found that the value of the land taken by the Spanish settlers and the village of Taos was $458,520.61, for about 900 acres. The Indians were paid $160,835.94 for lands outside the village of Taos. This left a balance of $297,684.67 owing to the Indians for lands within the village of Taos.

It is significant to note that the lands subject to this legislation either the House version or the committee version are not the same lands for which the Pueblo Land Board had awarded entitlement to compensation. The fourth sentence of the first full paragraph on page 3 of the committee report, No. 91–1345, on this legislation deserves reiteration:

> . . . In hearings before the board, the Pueblo had offered to waive the cash payment if the board would agree to give them the Rio Pueblo watershed, including Blue Lake.

Subsequent reviews of the claims by the Indian Affairs Committees of the House and Senate in the late 1920's and early 1930's revealed that the Indians refused the cash payment for the balance of the award $297,684.67, and demanded instead a patent to 50,000 acres of land surrounding Blue Lake and the Rio Pueblo watershed. Consequently, it would appear that the delinquency in payment was not the fault of the Federal Government, and this is a very important item to consider in this argument.

After long deliberation, the 73d Congress adopted Public Law 28, which granted to the Indians a 50-year use permit, for approximately 31,000 acres in the Rio Pueblo area, including Blue Lake. The permit is renewable for so long as the land is needed by the Indians for the purposes set forth, including religious ceremonies. The law restricted use by outsiders, admittance being granted only by special permission, with the concurrence of the tribal authorities. It was believed that this settled the problem because it segregated the land "for the personal use and benefit of said tribe of Indians," protected their religious secrecy, and at the same time protected the watershed.

If the Congress acts to grant other lands in lieu of cash payment for lands taken, as the House version of H.R. 471 would do, where will it stop? Will judgments for land taken from "Tribe X" in Colorado be satisfied by a grant of land in Wyoming or vice versa? Will other tribes who have settled their claims demand that their claims be reopened on the theory that they were not afforded an opportunity to select lands in lieu of accepting monetary compensation?

As the committee report points out on page 6: "We know there have been filed before the Indian Claims Commission claims for nearly 90 percent of all of the land in the United States." The Senate must consider carefully the long-term consequences of granting title to large blocks of land to Indian claimants in lieu of money. As the distinguished chairman of the committee pointed out, Congress made this decision, it seems to me, clearly and unequivocally when it passed the Indian Claims Commission Act.

Earlier this year the Senate passed a measure to legislatively settle the claims of the Alaska Natives. The bulk of the settlement was embodied in the money payments—$1 billion. The Alaska Natives have laid claim to between two-

thirds and three-fourths of the entire State of Alaska. Senators must ask themselves what effect adoption of the House version of H.R. 471 will have upon the proposed settlement in Alaska.

The Secretary of the Interior in his testimony before the committee expressed his belief that the granting of trust title for these national forest lands to the Taos Tribe would not set a precedent. Former Secretary Udall expressed a similar belief. But do the Indians believe it is not a precedent. From an Associated Press wire story, published in the Oregonian on September 13, 1970, the following paragraph is quoted:

At an Indian convention here Friday, Yakima tribal chairman Robert Jim said, "If President Nixon means what he said in his Indian policy speech of August 8 in which he asked Congress to restore the Blue Lake to the Taos Pueblo Indians, he will simply order the secretary of agriculture to return Tract D to the Department of Interior and the Indians under the Bureau of Indian Affairs." (Note: Mr. Jim was probably referring to President Nixon's Message to Congress of July 8, 1970.)

I might say there is ample other precedent for this. Referring to the hearings, I find a letter from a Chippewa Indian at Eastern Washington State College, Cheney, Wash., which appears on page 305 of the hearings. The letter states:

EASTERN WASHINGTON STATE COLLEGE,
*Cheney, Wash., March 16, 1970.*

Hon. Senator HENRY M. JACKSON,
*Washington State Senator,*
*State Capitol Building,*
*Olympia, Wash.*

HON. SENATOR HENRY M. JACKSON: Concerning the House Bill H.R. 471, I urge your support for the passage of this bill in the Senate.

I believe, this bill is of major importance, not only to the Taos Pueblo Indians, but to all Indians of America. For in the long run, this bill will affect all Indians by setting a precedent for other Indian groups to follow.

Since I am a Chippewa Indian, I am very interested in all of my people. I can only conclude that this bill must be resolved in favor of the Taos Pueblo Indians.

Sincerely,

ROBERT PARISIEN.

So there is no question that what we are doing here is concerning ourselves with a precedent and reversing a policy established by the Congress, and to a great extent accomplished, under the Indian Claims Commission.

Without in any way attempting to pass upon the Yakima claim it would appear that Mr. Robert Jim, tribal chairman of the Yakima Tribe, considers the Taos matter a precedent. There are other expressions of belief that adoption of H.R. 471 as passed by the House will set "a precedent for other Indian groups to follow."

It has been said that all Indians are watching developments with regard to this legislation. I am confident that this is true. If, as I have pointed out, they are viewing the action of Congress with the expectation of creating a precedent, what will be the nature of the next demand for lands? Will it be for cultural purposes, economic purposes, hunting or religion? I believe that we can expect an avalanche of such demands, and they will not be restricted to "uniquely significant religious lands."

Mr. President, no member of the committee wishes to in any way interfere with or impede the practice of the Taos religion, whatever it may be. Although their religion is secret, and we only have their word that privacy is necessary and these lands are essential, the committee was willing to expand the area subject to use of the Taos by approximately 17,000 acres.

The terms of the rights to the use of the whole 48,000 acres were tightened and are not based upon a permit. The rights of the Taos Indians would be vested in law. Under the committee bill the Indians will receive essentially everything they would receive under the House bill, except title. In my view, the committee bill satisfies all of the Taos Indian's demands, protects their religious shrines, grants indefinite tenure, and preserves the land for their exclusive use without creating a dangerous precedent.

Mr. President, it should be recognized that this is not a partisan issue. H.R. 471 was introduced in the House of Representatives by Mr. HALEY, the second ranking Democrat on the House Interior Committee. The substitute, reported by the Senate Interior Committee, was proposed by the senior Democrat on the Committee, the senior Senator from New Mexico (Mr. ANDERSON), who was formerly the chairman of the full committee.

The administration has been split on the issue. The May 15, 1969, report of the Department of Agriculture opposed the enactment of H.R. 471, and according to that report, the Bureau of the Budget also opposed the House bill. However, in his message on the American Indians of July 8, 1970, the President recommended the enactment of H.R. 471 with certain amendments. The amendments were set forth in the July 8, 1970, report of the Department of Agriculture. None of those amendments are included in the House-passed version of H.R. 471, since they were not proposed until 10 months after the House had passed the bill.

There is no question concerning the expertise and experience of the distinguished and able House Interior Committee, but the fact remains that a majority of your committee, whose combined experience in Indian matters may be calculated in centuries, adopted the susbtitute proposed by the senior Senator from New Mexico, which is the situs of the controversy, and whose own experience in Indian matters extends far beyond the nearly 22 years he has served on the Senate Interior Committee.

Mr. President, at his point, I believe it is appropriate to quote the three concluding paragraphs of Senator ANDERSON'S statement before the Senate Interior Committee:

It is often stated that the Blue Lake claim is unique among all Indian tribes, that no other tribe has claimed land for religious purposes as the Taos Indians have. Therefore, it is asserted, no precedent would be set if the 48,000 acres of land provided for in H.R. 471 were transferred to the Taos Pueblo. I submit that many other tribes have based their land claims on religious importance. As a matter of fact, the Nambe claim, Indian Claims Commission docket No. 358, was quite similar to the Taos claim. In addition to a large quantity of land, this tribe claimed two sacred lakes lying in the National Forest, Lake Katherine and Sandy Lake. Several springs are mentioned as shrines in the Santa Clara Claim, Indian Claims Commission docket No. 355. Acknowledged scholars point out that every Pueblo tribe along the Rio Grande has shrines comparable in importance to Blue Lake. Members of the Navajo Tribe worship on Mount Taylor and Navajo Mountain. The Cochitis worship at locations within the Bandelier National Monument. The Santa Claras have religious shrines on Tschicoma Peak. The Hopis have shrines on the San Francisco peaks. I have been told that the Sandia Indians attach religious significance to the entire Sandia Mountain Range. These are just a few examples. Needless to say, these tribes would all like to obtain legal title to these lands. One can only speculate as to the number of claims throughout the United States based upon religion which will arise if H.R. 471 is passed by Congress.

Let me assert once again that I am in complete sympathy with the desire of the Pueblo to make certain its shrines will be protected. That is why I have introduced legislation a number of times and that is why I appear today to discuss these proposals and to declare my willingness to reach an agreement on this legislation.

It is my hope that Congress can agree to settle the issue on its true merits, rather than on a generalized desire to do something for the Indians. The Taos Indians can continue to receive the protection for their religious shrine that they rightfully deserve—without a disturbing precedent with national implications being established. Protection of the Blue Lake shrine is not incompatible with judicious treatment of the other major issues involved—land and water management and precedents governing the public domain. A solution is possible which will attain goals and that is what I hope we will achieve.

Mr. President, it is my sincere belief that the formula contained in the committee bill does achieve both goals. It does provide protection for the religious shrine of the Taos Indians, and it avoids the establishment of a disturbing precedent with national implications. I urge the Senate to adopt the amendments of the Committee on Interior and Insular Affairs.

After many, many hearings, after I would say literally days of discussion in the committee devoted to this matter, the great majority of the committee is of a mind that this is the fairest way to deal with the matter without doing an injustice to the tribe and without creating a precedent which, in my opinion, would plague us for many, many years to come. Make no mistake about it, if we adopt the House bill, it will, indeed, be considered a precedent.

I ask unanimous consent that various news clippings and data be printed in the RECORD at the conclusion of my remarks, regarding other religious and ceremonial Indian uses of public lands.

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

[From the San Francisco (Calif.) Chronicle, Oct. 27, 1970]

INDIANS TOLD TO LEAVE U.S. LAND

BURNEY, SHASTA COUNTY.—The Pit River Indian tribe has been given notice to leave

an "occupied" section of Shasta-Trinity National Forest.

The United States Forest Service notified the Indians to break camp on a corner of the national forest near the intersection of Highways 299 and 89.

U.S. Attorney Duane Keyes said in Sacramento that some action would be taken against the band of some 100 camping Indians by the end of this week unless they leave the area.

The Indians moved into the area October 5, as trials began in Burney of 49 members of the tribe arrested on charges of trespassing on Pacific Gas and Electric Company property near here last June.

The Pit River tribe claims that 3.5 million acres of this rugged timbered land was stolen from them by the U.S. government in 1853.

The "occupations" have been an open effort to force the question of ownership of the land into court where the Indians could argue their claim against Federal ownership of the land and a much-disputed financial settlement offered the Indians in 1964 when the government conceded the land was taken from them "without compensation."

The Indians have set up a metal Quonset-hut dwelling on the national park site, and, according to authorities, have been chopping down trees—a Federal offense—to build more structures.

Tribal Chairman Mickey Gemmill said about 100 Indians currently on the land would submit to arrest without resistance.

The case would then go before a U.S. commissioner and, the Indians hope, into Federal court where they could argue their claim.

Ten persons, including Gemmill, have already been convicted of trespassing by a Burney Justice Court jury, but that case dealt with trespassing in PG&E land.

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SHASTA DISPUTE—INDIANS, DEPUTIES IN BATTLE

BURNEY, SHASTA COUNTY.—Indians armed with tree branches battled toe-to-toe with club-swinging sheriff's deputies near here yesterday morning as authorities moved to evict the Indians from an "occupied" section of Shasta-Trinity National Forest.

One Indian, Gordon Montgomery, 57, of Redding, was hospitalized with a head injury after the brief battle.

Twenty four persons were arrested, including six who were charged with felony assault on a police officer. Seventeen others were taken to Susanville to appear before United States Commissioner Scott Kirby on charges of resisting, obstructing or interfering with Federal officers. Two of those arrested were also charged with illegally cutting timber on a Federal reserve.

FORCE

The unexpected fighting broke out as a force of about 30 Shasta county sheriff's officers backed up by nine Federal marshals and nearly 50 Forest Service employees, moved onto an Indian campsite on the forest preserve at the intersection of Highways 299 and 89.

Club-swinging on both sides suddenly erupted when a marshal attempted to prevent an Indian identified as Ross Montgomery from cutting down a pine tree with a power saw.

Some of the nearly 100 Indians at the site rushed to Montgomery's aid. It was unclear who swung the first blow.

DRIVE

Pit River Indans and their sympathizers occupied the small corner of Shasta-Trinity National Forest October 5 as part of a drive begun last June to dramatize their ancestral claim to 3.5 million acres of this timber country they say was stolen from them by the Federal government in 1853.

The Indians had set up a quonset hut dwelling and, to get timber to build another structure, had begun felling some of the huge Ponderosa pine trees standing about their campsite.

Last week, authorities notified the Indians they would have until 6 p.m. Monday to remove the quonset hut and leave the area or face arrest.

TEST

It had been understood on both sides that the Indians were, in fact, inviting arrest in an effort to get their claim to the land before a Federal court.

Monday night, a group of Forest Rangers met with the Indians at the campsite in an effort to arrange an amicable truce.

The meeting had elements of a pow-wow in a "B" western. The conferees—including Mickey Gemmill, chairman of the Pit River Indian Tribal Council—met around a large campfire while ceremonial drums throbbed nearby and occasional warwhoops pierced the night.

"I can tell you it was kind of a nervous thing," said Forest Service Information Officer Gerald W. Gauze.

ARRESTS

Gauze said the Forest Service asked for help from Federal marshals and sheriff's deputies after the pow-wow failed to convince the Indians to tear down the metal quonset hut and leave the land.

The hut was later torn down and removed by the Park Rangers.

Gemmill, who has led his tribe in the occupation of a PG&E campsite in June as well as this latest effort, was among those arrested, as was John Hurst, a reporter for the Redding Record-Searchlight newspaper.

Assistant U.S. Attorney William Chubb said those persons arrested on Federal charges would appear before Commissioner Kirby in Susanville today.

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HOPI TRIBE

*Nature of Religious Use.*

*Location of Shrine or Ceremonial Land*—San Francisco Peaks—Coconino National Forest, Arizona.

Exact location on the peaks is not known.

*Ceremonies Conducted*—

At least part of the ceremonies is for the purpose of changing the tribal government from summer to winter.

The mystic theme is the coming of the Kachina Gods from the mountain to the Hopi villages in the spring and returning to the San Francisco Peaks in the fall.

*Frequency*—Twice each year—spring and fall.

*Historic or Recent*—The custom is ancient.

*Secret or Open*—Secret.

*Forest Service Recognition*—The Forest Service recognizes the use of the San Francisco Peaks for ceremonial use by the Hopi and Navajo tribes has made some adjustment in management to accommodate them. (See statement below).

*Impact on National Forest Management*—Spring use of the San Francisco Peaks by the Hopi Tribe has conflicted in some years with the severe fire season when closure orders are necessary. When this occurs, special entrance permits have been issued to the Indians so they can conduct their ceremonies. Otherwise, there have been no conflicts of use to our knowledge.

If the San Francisco Peaks area were taken from the National Forest System, the impact would be rather severe on several segments of the public. The inner basin is the watershed from which comes the water supply for Flagstaff. The area is also a potential ski site—one of the best in the Southwest. The area contains a large volume of commercial timber, prime wildlife and recreation habitat and furnishes forage for livestock.

*Claims*—There are no known claims before the Indian Claims Commission.

NAVAJO TRIBE

*Nature of Religious Use.*

*Location of Shrine or Ceremonial Land*—Mt. Taylor—Cibola National Forest;

Blanca Peak—Not believed to be on the National Forest;

San Francisco Peak—Coconino National Forest;

Hesperus Peak—San Juan National Forest, R–2;

Huerfano Mountain—BLM or private land;

Gobernador Knob—BLM land;

Hosta Butte—BLM land.

In addition to these seven sacred mountains, the Navajo considers El Cabezon and the lava flows south of Grants, New Mexico, as sacred places. Neither of these is on the National Forest. The San Juan River, Oak Creek Canyon on the Coconino National Forest, and Sunset Crater National Monument, National Park Service, are also sacred places.

*Ceremonies Conducted*—Mt. Taylor figures prominently in a 9-day religious ceremonial known as the "Mountain Chant" which is based on the myth of the Desily Neyani. This is one of numerous myths involving seven sacred mountains named above. From a lake in the midst of these sacred mountains, the Navajo forebears supposedly sprung.

*Frequency*—Annually.

*Historic or Recent*—The ceremonies stem far back into history.

*Secret or Open*—Part of the ceremonies are secret and part are open to the public.

*Forest Service Recognition*—

The Forest Service respects the religious ceremonies of the Indians. There has been no apparent conflict between the religious needs of the Indian and National Forest administrators. Should any develop, they could be, we believe, accommodated under our system of multiple use management.

On the other hand, if the sacred areas involved in the Navajo ceremonials were taken from the National Forest System, much valuable timber, recreation, water, wildlife and range land would be denied the public.

*Impact on National Forest Management*—None under present conditions.

*Claims*—There are no known claims before the Indian Claims Commission.

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COCHITI PUEBLO TRIBE

*Nature of Religious Use.*

*Location of Shrines or Ceremonial Lands.*—Stone lions and "Caves of the Ancestors", Bandelier National Monument, and possibly on Tetilla Peak—La Majada Grant—Santa Fe National Forest.

*Ceremonies Conducted*—A chosen man "goes to an appointed place in the mountains, where he plants sticks at marked spots, a forked and a straight one. Keeping his mind and his thoughts free from all mundane thoughts, he waits there, for days, if necessary, praying incessantly. In time, the shadow of the straight stick will fall exactly on the crotch of the other. Then he knows that the sun has come to the point, and he returns to the village. The equinox is thus established and the summer people take over."

*Frequency*—Annually.

*Historic or Recent*—Historical.

*Secret or Open*—Very secret.

*Forest Service Attitude and Recognition and Impact on National Forest Management*—

There has been no known impact on National Forest administration or National Forest land. However, very recently, the use of the religious sites in the Bandelier National Monument was cited as one of the reasons why a portion of the La Majada Grant, lying between Cochiti Pueblo and the Monument, should be transferred from the National Forests to the Indians. The Cochiti Tribe apparently want to tie their reservation to the ceremonial lands they use.

The loss of this land to the Cochiti Tribe

would seriously affect one National Forest grazing allotment.

*Claims*—To our knowledge, there are no claims before the Indian Claims Commission.

U.S. GOVERNMENT MEMORANDUM

To: The Record.
From: Wm. D. Hurst, Regional Forester.
Subject: Land Transfers.

The afternoon of June 10, Dean Cutler, Ranger Clarence Rice, and I met with representatives from the Bureau of Land Management and the Bureau of Indian Affairs to discuss the possibility of a land exchange with the Bureau of Land Management which would make available to the Department of Interior land adjacent to the reservoir which will be formed by the Cochiti Dam. The Department of Interior would then make this land available to the Cochiti Tribe.

Mr. Jim Anderson, State Director of BLM, along with Warren Gray and Michael Solan, represented the Bureau of Land Management. Messrs. Walter Olson, Ken Payton, Doug Shannon and Melvin Helander represented the Bureau of Indian Affairs. Maps were presented showing the National Forest land desired by the Cochiti people. It appeared to us that the amount requested is excessive to meet the expressd recreational needs of the Cochiti Tribe. Ranger Rice explaind the complication which would develop in transferring this land from its present National Forest status. All of it is now being used by local livestock operators, all of whom are Spanish Americans, that depend heavily upon this area for their grazing resource. Inclusion of the bench land above the river bed would be particularly damaging to the livestock operators.

It was agreed that the Bureau of Indian Affairs representatives will discuss this matter in more detail with officials of the Cochiti Pueblo in the light of our June 10 discussion. Following this, we will again meet to consider their needs. Mr. Walter Olson will contact State Director Jim Anderson to arrange a meeting at an appropriate time.

Ranger Rice agreed to furnish Mr. Olson with a map and a list of livestock permittees involved and the number of stock that operate on the lands desired by the Cochiti Tribe.

No effort was made to select Bureau of Land Management lands which might be used in the proposed exchange. This aspect of the case will be explored as we learn more precisely the desires of the Cochiti people.

WM. D. HURST.

SANTA CLARA TRIBE

*Nature of Religious Use.*

*Location of Shrine or Ceremonial Lands*—The Governor of the Pueblo has indicated that religious shrines are located on Tischicoma, which is on the Santa Fe National Forest and Caballo Mountain, which is on the boundary of the Santa Clara Indian Reservation and Atomic Energy Commission withdrawal, which is currently being considered for return to the National Forest System.

*Ceremonies Conducted*—The nature of the ceremonies, if they are conducted, is not known.

*Frequency*—The frequency of the ceremonies is not known.

*Historic or Recent*—Presumed to be historic, but record of duration is not known.

*Secret or Open*—Secret.

*Forest Service Recognition*—Apparently the Forest Service has, until now, not known of the ceremonies. If they do take place, they could undoubtedly be conducted on National Forest land without conflict.

*Impact on National Forest Management*—None under present conditions. If the ceremonial areas and land adjacent to them (30,000 acres requested in exchange for a road right of way across their reservation) were taken for the Indians, the National Forest would be dissected into unmanageable units and highly productive timber (from 2,200 bd. ft. to 12,800 bd. ft. per acre on the Tishicoma and 3,600 bd. ft. per acre on the Guaje), grazing, wildlife, water, and recreation would be lost to the public. (Twenty local livestock operators depend heavily upon the forage on this land for their livestock.)

*Claims*—The Governor of the Santa Clara Pueblo gave Supervisor Latimore a copy of their claim before the Indian Claims Commission. This is labeled Docket No. 356, dated August 11, 1951. The claim is based upon aboriginal use.

SAN JUAN PUEBLO TRIBE

*Nature of Religious Use.*

*Location of Shrine or Ceremonial Land*—According to a newspaper article, Santa Fe New Mexican, dated June 12, 1966, the tribe claims parts of the Bartolome Sanchez Grant, private land: parts of the Santa Cruz Grant, private land: the Sebastian Martin Grant, East ⅓ on the Carson National Forest. The remainder of this Grant is administered by BLM.

Clara Peak, Santa Fe National Forest.

*Ceremonies Conducted*—The nature of the ceremonies, if indeed they are conducted, is not known.

*Frequency*—Unknown.

*Historic or Recent*—Unknown, but these are undoubtedly historic ceremonies associated with the pueblo.

*Secret or Open*—If conducted, they are secret.

*Forest Service Recognition*—Approximately 38,000 acres of National Forest land is involved in the above described claims. There is no history, however, of conflict with the Forest Service and the Pueblo Indians in the use of these lands. There is no reason why this relationship should not continue.

*Impact on National Forest Management*—None; The lands involved or purported to be claimed by the San Juan Pueblo contain many resources used by the public. They should be retained in public ownership and managed for the public's benefit.

*Claims*—There have been no known claims filed with the Indian Claims Commission.

An article in the New Mexican (published in Santa Fe) of June 12, 1966, the San Juan Pueblo announced their intention to try, through Federal legislation, to acquire title to the Sebastian Martin Grant, which is now National Forest land, to National Forest land south of the San Juan Pueblo and north of the Santa Clara Pueblo, around and adjacent to Clara Peak, and parts of the Bartolome Sanchez and Santa Cruz Grant. The legislation will be supported by the purported use of these lands for religious ceremonial purposes, for grazing, and as a source of wood for firewood and vigas.

There was also a newspaper article that denied any intention to try through Federal legislation to acquire title to lands mentioned above.

NAMBE PUEBLO TRIBE

*Nature of Religious Use.*

*Location of Shrine or Ceremonial Land*—Lake Tamayoge Okwinge (Sandy Lake)—Santa Fe National Forest.

Lake Kate Okwinge (Lake Katherine)—Santa Fe National Forest.

The Pueblo also identified for the Indian Claims Commission 16 other religious shrines—in most cases, piles of sacred stones dotted throughout their claimed area.

*Ceremonies Conducted*—The shrines are thought to bring good luck in hunting or other endeavors and were regularly visited and strewn with corn meal at the time of the secret religious rites. Although native religious practices have, to a large extent, died out at Nambe, these shrines are still maintained.

*Frequency*—not known. Apparently not as regularly now as in the past.

*Historic or Recent*—Historic.

*Secret or Open*—Secret.

*Forest Service Recognition*—Forest Service has not known of the religious rites or the shrines. We will, however, now respect them as being meaningful to the Nambe Indians.

*Impacts upon National Forest Management*—None apparent. Some shrines are within the Pecos Wilderness. This Wilderness undoubtedly gives additional protection to the shrines.

*Claims*—Docket No. 358, Pueblo of Nambe before the Indian Claims Commission.

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9. Native religion was very much alive at Nambe Pueblo from 1848 to the first decade of this century. Ceremonials were held as late as the 1930's. In the native religion of Nambe Pueblo, specific ceremonials must be performed at designated spots or shrines. A shrine cannot be moved. The area of aboriginal occupancy is thus dotted with religious shrines which were frequently visited by members of the Pueblo of Nambe for ceremonial purposes.

The most important shrines are the sacred lakes of Tamayoge Okwinge (Sandy Lake) and Kate Okwinge (Lake Katherine). Initiation and healing ceremonies were held there and it was believed that the supernaturals inhabited these sacred lakes. Petitioner identified 16 other religious shrines, in most cases piles of sacred stones, dotted throughout the claimed area. These were thought to bring good luck in hunting or other endeavors and were regularly visited, and strewn with corn meal, at the time of secret religious rites. Although native religious practices have to a large extent died out at Nambe, these shrines are still maintained.

10. The Nambe people, like other Pueblo Indians, were farmers long before the Spaniards came to New Mexico. According to an 1890 report, the Nambe Indians farmed 300 acres. Most of this land was in the granted area, but some land was farmed outside the grant, in the area above and just below Nambe Falls, and along the Rio en Medio. There the Indians raised beans, corn and pumpkins, as well as melons and tobacco.

JEMEZ PUEBLO TRIBE

*Nature of Religious Use.*

*Location of Shrines or Ceremonial Lands*—

Redondo Peak (not on National Forest land).

Pajarito Peak (Not on National Forest land).

Church Canyon (National Forest land).

*Ceremonies Conducted*—Nature of ceremonies is not known.

*Frequency*—annually.

*Historic or Recent*—Historic.

*Secret or Open*—Secret.

*Forest Service Attitude or Recognition*—There is no apparent conflict between the ceremonies and National Forest activities. Should any develop in Church Canyon, the religious needs of the Indians could undoubtedly be accommodated.

*Impacts on National Forest Management*—None.

*Claims*—There are no known claims before the Indian Claims Commission.

ZIA PUEBLO TRIBE

*Nature of Religious Use.*

*Location of Shrine or Ceremonial Land*—The Zia Pueblo Indians apparently have sacred mountains similar to the legends of the Navajo tribe, although we have no definite name for them. The legend names them by the tree supposedly on the top. The north is Spruce; west is Pine; south, Gambles Oak; east, Aspen, with the Zenith, Cedar and Nadir, Pungens Oak.

The Zia tribe came from two "mothers" out of the middle of the mountains.

*Ceremonies Conducted*—The Cloud people society supposedly occupies the mountain and takes the water from springs and sprinkles it as rain over the land. There are many other ceremonies, including the hunt ritual which is 13 days long.

*Frequency*—Apparently annually.

*Historic or Recent*—Historic.

*Secret or Open*—Undoubtedly secret.

*Forest Service Recognition*—Since the locations of the ceremonies are not known, the Forest Service has had no association with them. If the locations are on National Forest land, the needs of the Indians can be accommodated.

*Impact on National Forest Management*—None.

*Claims*—There are no claims before the Indian Claims Commission to our knowledge.

Mr. METCALF. Mr. President, probably more than any other Senator, I have participated in hearings that have been held on this bill over three Congresses. It has been my privilege and my duty to act as chairman at some of those hearings. Sometimes I was the only Senator present while the hearings were being held. I approached these hearings completely objectively.

Mr. President, I ask for the yeas and nays on the committee amendment.

The yeas and nays were ordered.

Mr. METCALF. As I said, I approached this problem with complete objectivity. I tried to extend to it my interest and my concern for the Indians as well as my interest and concern for the public interest.

On page 298 of the hearings appears a letter from Mr. Bodine, who is an associate professor of anthropology at American University. I wish to read the first paragraph of that letter:

DEAR SENATOR METCALF: I attended the July 9, 1970 committee hearings on the Taos Pueblo Indian Blue Lake claim and became thoroughly frustrated by the inability and/or unwillingness of the witnesses called on behalf of the Taos, including the Taos Indian delegation, to answer successfully the question which you repeatedly put to them, namely, what makes the Taos claim to 48,000 acres of land including Blue Lake singular or unique. It is in answer to this crucial question that I direct myself, for I feel that if it is not answered satisfactorily the Taos will not succeed in their efforts.

Mr. President, we have gone beyond the scope of the hearings, and we have included every single sanctuary, every shrine, every religious site, including Blue Lake itself, in the bill. The amendment suggested by the Senator from Oklahoma and the description of the land contained in the bill are identical. Every single area that the Taos Indians could identify or that the committee could find has been included in the bill.

The only difference is that the Senate bill provides that we shall keep it under the control of the Department of Agriculture for the exclusive use of the Taos Tribe for their religious operations and ceremonies.

The Senator from Oklahoma asked what the difference is between having it under the Department of Agriculture and the Department of the Interior. All I will say to my colleagues is that the Bureau of Indian Affairs has been notorious for its inability to manage the Indians' lands. The agency that has managed this important watershed and other public lands has been the Forest Service.

The conservation groups of America are concerned because they feel an invasion of the wilderness areas or national forests or any similar areas, if not managed for the public interest, will be detrimental not only to the Indians themselves but to the people of America.

I want to emphasize the fact that just because this land is still in the public domain, still under the control of Uncle Sam, makes it no different from land that has gone into private interests. In fact, it is more important to consider some of these lands which are in national parks or national monuments or wilderness areas or national forests as possessions of all the people of America.

If we want to talk about justice to the Indians, the Senator from Colorado has suggested that the Indians could claim more than 90 percent of the land of America. We have the Indian Claims Commission to compensate them for unjustified takings using monetary payments. We cannot go into the city of Tulsa, and we cannot go into the city of Boston, or Plymouth, or areas in Montana, and give back land that people own, in which they have acquired an interest over 100 years, and give it back.

For more than 60 years this land has been a national forest. Before that it was in the public domain. Some suggestion has been made that it was in Spanish title. That is irrelevant. The fact is that the land has been in the public domain for almost a century, and now important rights have accrued to Spanish-American interests downstream, who depend on this as an important watershed, and to non-Indian people downstream who look on this area as an important watershed and water source for crops and water systems in towns.

Just because land belongs to the Federal Government, whether it be a national park or monument, is no reason why it should be treated differently.

In the hearings we carefully analyzed the bill. We have tried to do justice to the Taos Tribe. We have recognized their religious preferences. We have recognized that they have important sanctuaries and shrines. But we also have said that there are other interests and concerns involved. We have tried to do the same thing for the Taos that we have done for every other tribe. We have suggested to them that they can go into the Indian Claims Commission and get a monetary settlement, but they cannot take away some of the rights that have accrued over the centuries. This has been a part of the public domain and a part of the lands of the United States.

When we talk about justice, we have leaned over backward to recognize a culture and a religious system that has been difficult even to learn about.

We have given the benefit of the doubt in every instance to the members of the Taos Tribe, and there is not a single bit of difference between the bill that was passed in the House and the bill recommended in the Senate, as far as the description of the lands is concerned, Blue Lake and the other shrines and sanctuaries. The only difference is that this is going to continue to be controlled as a wilderness area, with exclusive use for the tribe, instead of passed into trust status under the Secretary of the Interior.

I prefer, until we have a whole new look at this religious situation under the bill introduced by the Senator from Washington (Mr. JACKSON), that we continue the present situation, and pass the substitute bill that the Senator from New Mexico has introduced.

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

Mr. METCALF. I yield.

Mr. GOLDWATER. Mr. President, I thank the distinguished chairman for referring to Dr. Bodine's letter, but I wish he had read the entire thing.

Mr. METCALF. I have read the entire letter, as the Senator knows.

Mr. GOLDWATER. I know; but I mean for the RECORD.

Mr. METCALF. Well, let us have the whole letter put in the RECORD.

Mr. GOLDWATER. I ask unanimous consent that the entire letter of Dr. Bodine be printed in the RECORD, mainly because, when he was having his doctoral examination, he was asked:

If you had complete power over the Taos and wished to destroy their culture what would you do?

I understand he has lived with them since his birth in 1934. Upon being asked that question, he states:

I replied unhesitatingly that I would destroy Blue Lake.

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

THE AMERICAN UNIVERSITY,
COLLEGE OF ARTS AND SCIENCES,
DEPARTMENT OF ANTHROPOLOGY,
*Washington, D.C., July 10, 1970.*

HON. LEE METCALF,
*Senate of the United States,*
*Old Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR METCALF: I attended the July 9, 1970 committee hearings on the Taos Pueblo Indian Blue Lake claim and became thoroughly frustrated by the inability and/or unwillingness of the witnesses called on behalf of the Taos, including the Taos Indian delegation, to answer successfully the question which you repeatedly put to them, namely, what makes the Taos claim to 48,000 acres of land including Blue Lake singular or unique. It is in answer to this crucial question that I direct myself, for I feel that if it is not answered satisfactorily the Taos will not succeed in their efforts.

Perhaps I should begin by telling you that I hold the Ph. D. in anthropology and my special interest is the culture of the Taos. My doctoral dissertation dealt with the culture contact problems of the Taos Indians and in it I thoroughly researched the history of the Taos claim to the Blue Lake area. That is indeed history now and the long, stormy battle is only indirectly related to the question at hand. It need not be repeated, except that it does document the fact that the Taos have fought unrelentingly to secure title to this land since 1906. As was brought out on July 9 no other Indian tribe has consistently claimed land for religious purposes. This you know and fully appreciate. But in my opinion this alone does not make the Taos case unique, for as you rightly observed every other Indian

tribe could conceivably make the same claim, if after the fact. Whether others will or not, e.g., Nambe, Santa Clara, the Navaho, or the Blackfeet of your own state etc., does not destroy the fact that the Taos claim is unique.

Its uniqueness is not the fact that they have asked for this land since 1906 nor does it relate to the existence of shrines of other Indian religious systems which are valid and deserving of protection. The Taos claim is unique because if Blue Lake and the surrounding lands are not returned to the tribe it will effectively destroy Taos culture. No other Indian tribe can make that claim, because no other Indian group today relies to the same degree on shrines in a restricted area for the continuance of its religion. Only Taos depends upon the undisturbed existence of its shrines which happen to be confined in the area of Blue Lake. This is what must be explained. I am willing to do so even though I realize that I am divulging information which could damage me professionally, but which no Taos Indian could possibly divulge. Unless the structure of Taos religion is bared, then there is little basis for understanding why an exception should be made for them. There is no reason to understand why the area could not continue to be protected and administered by the United States Forest Service. While there have been violations of the permit agreement of 1933 by parties on both sides, as I have documented in my dissertation, those misunderstandings and violations, e.g., the stocking of fish in Blue Lake by the New Mexico Game and Fish Commission, are minor compared to the basic issue which the Taos have tried to convey albeit unsuccessfully at this point.

Why are the Taos so reluctant to inform you or anyone else of their religion? They speak only in generalities and plead emotionally for justice. There are two reasons. The first was externally caused and is well known. Past persecutions and discriminations against their religion caused it to go underground so to speak so that it became axiomatic that if a Taos Indian revealed anything about the esoteric parts of his religion he would be a traitor to himself and to his people. But the second reason is more important and it is internal. The fact is that no Taos Indian knows everything with respect to the proper functioning of his religion. Not even the 90 year old man who stood before you at the hearings could tell you, because his role is singular and special. He has his duties to perform just as each other religious leader. His ritual knowledge is known only to him and to his successor. Taos religion is like a mosaic composed of bits and pieces of knowledge with each part known only to a restricted number of individuals. For Taos religion to survive however each part of the whole must function properly and do its share, otherwise imbalance will occur and, as they fervently believe, disaster will ensue. Their culture will be destroyed. If an individual's religious duties are not properly performed and transmitted to his successor, which is done in absolute secrecy, then the religion cannot function. No one can take up the standard and carry on without this smooth transition of knowledge from the old priest to the younger. This is why the Taos say in council meetings on even purely secular matters, "We must move evenly together."

Now what has this to do with Blue Lake and the 48,000 acres which surround it. As you know Blue Lake is only one of many shrines in the area, albeit the most important since it is the focus for the spiritual strength of the whole tribe. The Taos have not made it clear that those other shrines are as necessary. To do so would be to reveal too much and if revealed would cripple their faith. As far as I know, the Forest Service has never invaded the privacy of the Taos People when they go as a tribe to Blue Lake in August. But their presence in the area at other times of the year is as threatening. The priests of the various religious societies at Taos must go into the area in question and to Blue Lake time after time during the year. They go alone or in small groups to perform the special rituals with which they have been charged and to train their successors. Outsiders, including Forest Service personnel, constitute a great threat to the proper performance of these duties. Their very presence even if they observe nothing, is contaminating. It constitutes a serious invasion of religious privacy and as the Taos have explained any alteration or destruction of the ecology of the area has the potential of eliminating properties of the environment that are crucial to correct ritual performance e.g., only certain plants can be used in specific rituals. If they are destroyed or if natural springs are polluted with the rubbish or even the polluting presence of non Indians then the ritual may be ineffective and all will suffer.

The Taos recognize the need to have the assistance of outsiders in time of crisis be it forest fire or whatever, but they cannot tolerate the continued existence and swelling increase of outside visitors into this land. Each year skiing interests, hikers, horseback riders and all manner of persons involve themselves for the development of this area. Patiently the Taos have usually met their demands in the past, but the situation is becoming more critical each year and in my opinion they rightfully feel that the only way they can continue as a people, who have so masterfully protected and preserved their culture, is to gain as complete control over the land as possible. They will not improperly administer this land for to do so would be to destroy the very purpose of ownership nor will they be niggardly in granting access when they are convinced that no harm will come to those features of the environment which must be preserved.

I made a very bold statement when I said that if these lands are not returned Taos culture would be destroyed. I was asked by my doctoral examining committee in 1966 the following question: If you had complete power over the Taos and wished to destroy their culture what would you do? I replied unhesitatingly that I would destroy Blue Lake. The question may sound facetious and the answer absurd. But neither is ridiculous. You pointed out at the hearings that when property is taken from an individual according to our custom he is compensated for his loss with a cash settlement. And so we have properly settled most Indian claims. Let us suppose that we decided to confiscate all the property owned by the Roman Catholic Church in the United States and properly compensated them for it. Would Catholicism cease to exist? Obviously not. As most religions are capable of doing, they could erect churches elsewhere. Even more to the point is that Navaho Mountain is sacred to the Navaho, just as peaks in Glacier are sacred to the Blackfeet, but their entire religion does not depend on those particular shines and therefore they differ from the Taos case. All of Taos religion is dependent on Blue Lake and its associated shrines in the 48,000 acres in question. They have no other "church" nor any possibility of constructing one. Therefore monetary compensation for Blue Lake is out of the question. It provides them with no alternative whatsoever. There is only one Blue Lake just as there is only one Mecca.

The Taos Indians who attended the hearings on July 9 are leaders of their people in both secular and religious matters solely because they were properly initiated and trained as little boys at Blue Lake. They are "made people" and therefore they are the proper cadre from which leadership can be recruited. If little boys are not trained in the mountains today, then there will be no legitimate leaders of the Taos tribe tomorrow and this will lead to the dissolution of their government. What emanates from the ritual at Blue Lake and elsewhere in the mountains permeates every aspect of Taos culture and reaches every Indian in the tribe, initiated or not. I did not wish to infuse my statement with emotionalism, but I feel that this matter for all its complexities and in spite of all its ramifications is very simple. Are we to strain ourselves once more by striking down yet another Indian society just as we have seen to the demise of so many in the past? Will Taos Indians continue to reside in their Pueblo if Blue Lake is not given to them? The answer is naturally yes, but we will see the further dissolution and eventual destruction of their culture. They will become as so many other Indians, including the shattered remnants of the cultures of the Plains, disillusioned and effectively on their way to extinction. They will become a people clinging desperately to values which are no longer clear.

Finally I would like to add that I do not consider myself to be any kind of irrational and overly emotional activist for "the Indian cause." My professional credentials as an anthropologist are wedded to a lifetime of living with the Taos Indians. Since my birth in 1934 I have been going back to Taos, even though I was raised in the white world. I lived with them long before I decided to become an anthropologist and I have carefully maintained silence about their religion because I never wished to betray the confidence and trust they have extended to me. I know that the Taos required that I speak out, in spite of the consequences. I stand ready to help in any way I can.

Respectfully yours,

JOHN J. BODINE, *Associate Professor.*

Mr. GOLDWATER. I do not wish to imply by using that statement that anything contained in the legislation we are now discussing would do this. But the Senator from New Mexico (Mr. ANDERSON), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), and I, and all the rest of us westerners, know that as we try to protect this land, people want to destroy it. I have often said the surest way to destroy beauty in this country is to make it a wilderness area, and let all the people from all over the United States come in and leave their whiskey bottles, beer cans, dead fish, and whatnot.

I am afraid that if we continue the present jurisdiction over Blue Lake, that will happen there. It has happened before, and it is going to happen again.

I disagree—and I have mentioned this before—with the idea that this would be precedent-setting. To begin with, I know of no other protected shrine as of the moment. The Senator mentioned Navaho Mountain. This is on the Navaho Reservation. The San Francisco peaks, the sacred mountains of the Hopi, are a protected area because of their being in a national forest. Mount Taylor in New Mexico is another protected area.

Mr. METCALF. It is a completely analogous situation to the one here. It, too, is in a national forest, and so is Blue Lake.

Mr. GOLDWATER. I realize that. But we have to consider something that I do not even like to bring up on this floor, because I might be misunderstood. But who had this land in the first place?

Mr. METCALF. Well, who had the city of Phoenix in the first place? Who had Boston in the first place? Who had Tuc-

son? Who had 90 percent of the land in the United States?

Mr. GOLDWATER. There has been a big argument about that. I might say that former Senator Watkins told me one day, when he was on the Indian Claims Commission, that there is not enough money in the United States to pay all the Indian Claims, if the decisions all happened to be in favor of the Indians.

Mr. METCALF. Why should we not give Phoenix back to the Indians?

Mr. GOLDWATER. There are some days we might be willing to do that.

Mr. METCALF. I think it is a pretty good idea.

Mr. GOLDWATER. If we do not succeed in getting water from California, we will have to do it some day. But I just point out, who had this first? The Indians were on these lands thousands of years ago. The oldest continuously occupied site in the United States is the village of Oraibi, a Hopi village in my State. We argue whether they have been there two or three thousand years. Yet we try to tell them what they can do with land they were using long before the Pilgrim fathers ever thought of leaving England and coming over here.

By the way, I saw something funny the other day: A cartoon of the *Mayflower* with a sign reading, "England: Love It or Leave It." That might apply to some extent to us.

I think we have to learn that we are talking about a piece of property where the Indians have worshipped since probably the year 1200—long before the Spaniards came, long before the Mexicans came, long before the first black man, Estevan, ever came to what is now Arizona and New Mexico—long before all the non-Indians came. I think we have to consider these things, whether we like to or not.

This is one reason I mentioned earlier to the Senator from Washington that I have never been opposed to giving the Indians title to their land. Get them on the tax rolls; let them build developments on it. Let them do the work.

Mr. METCALF. They are not going to get title to this land. The Secretary of the Interior is going to get title.

Mr. GOLDWATER. I know that. I would go even farther than what is proposed. I would have no objection at all to giving them title to this 48,000 acres, and letting them take care of it.

Mr. METCALF. They do not want to pay taxes on the land.

Mr. GOLDWATER. I know they do not want to pay taxes, but I think some day we are going to have to let them pay taxes, whether they like it or not.

But I just want to point out that we are dealing here with something absolutely unique. I do not think it would establish a precedent, because the committee can require proof of religious aspects of the land, and I do not think that is difficult to prove. I do not believe anyone could put anything over on the Indian committees of either House; and I am sure the precedent that is worried about would not be established, because the requirements could be set.

Mr. METCALF. I am very pleased that the Senator has called attention to Mr. Bodine's statement. I think that Professor Bodine made the most important and the most eloquent argument in behalf of this bill contained in this entire hearing record; and that is the reason that I had it incorporated in the record after he sent me this letter.

Certainly we are trying to do just exactly what he suggested: protect these shrines and sanctuaries. Of course, it is too late—100 years too late, or 200 years too late—to take care of the equities that the Senator from Arizona is talking about. Of course the Indians were here, and that is why we established the Indian Claims Commission. That is why we did something no other government has ever done: We said, "All right, this land was unjustly and unlawfully taken from you, and we are going to give you an opportunity to come into court, to come into a special court and prove your claim."

We have had awards all over America. But if this bill passes, lawyers for these Indians will go back and the Indian tribes will say to them, "Well, you did not tell us we could get land; you just said we had to settle for a monetary claim." And so all these matters will—and justly should—be opened up for consideration, and it will be a very difficult decision to make, and will cost, as the Senator from Arizona has suggested, probably more money than we have spent on the Vietnam war to handle all the claims.

This is an equitable settlement. It protects every single religious sanctuary and shrine that the Taos Indians have. At the same time, the settlement protects an important and vital watershed that is essential to the people downstream. And it does not set an undesirable precedent.

We also recognize the importance of a special tribal culture, and the importance of the practice of a religion that is specifically and uniquely American. I urge the passage of Senator ANDERSON's bill.

Mr. HARRIS. Mr. President, all of the Senators who have been involved in this debate are honorable and sincere men, and each feels that he is doing the right thing so far as the Indians involved are concerned.

The question is not who likes Indians best. I often think, however, the American Indians might be better off if we liked them a little less and respected their rights a little more. The question is whether or not we or they are going to make the decision about what is good for the Indians in this case.

The distinguished Senator from Washington and other Senators who have spoken here against the Taos Pueblo position and against the House-passed version of this bill have said at one time that it makes very little difference which of these bill passes, so far as the rights of the Indians are concerned. Well, why do we not let them, then, decide which they want? If it makes very little difference which version is adopted, why do we not adopt the Indian version one time? I think that is the question.

Then the question is raised that the concept of title does not make all that much difference. There was a time when many, if not most, American Indian tribes cared very little for the idea of title. They found it alien to their way of life, because land was not something which could be owned and held individually. But they learned better, because of their dealings with the rest of us. Over the years, as their land has been taken and they have been pushed to other land and then often, if that land became attractive, pushed even out of that, the American Indians have learned from the rest of us that the word "title" means something. They learned it from us.

They know that "exclusive use," which is the term used in the Senate committee bill, is not the same as title. It is not the same as title, and they are quite right in recognizing that that is not.

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

Mr. HARRIS. I am pleased to yield to the distinguished Senator from Minnesota.

Mr. MONDALE. Do I correctly understand the proposed legislation recommended by the Committee on the Interior to offer "exclusive use" to the tribes involved, subject to termination without notice? Is that a provision, or do I not understand correctly?

Mr. HARRIS. The Senator's understanding is correct. I think the proposed legislation allows for exclusive use to be terminated.

Therein, Mr. President, lies the principal objection to this bill by the Taos Pueblo Indians—not about the notice, but about the termination. There is a difference in exclusive use and title, and they know that exclusive use can be changed; and this matter will not have been settled at all.

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

Mr. HARRIS. I yield.

Mr. METCALF. The trust also could be terminated. Is that not correct?

Mr. HARRIS. The Senator from Montana is technically correct but practically incorrect.

Mr. METCALF. The trust can be terminated just as easily and just as quickly and under the same procedure that the exclusive use can, and that is by an act of Congress.

Mr. HARRIS. It certainly could not be. Once the title had been held to be in the Indians, but held in trust by the Secretary of the Interior, that would be an unconstitutional and unlawful taking without just compensation.

Mr. METCALF. No. The Senator from Oklahoma is experienced enough in Indian law to know that these trust titles can be terminated by an act of Congress.

Mr. HARRIS. May I respond to the Senator from Montana? The Senator from Washington said earlier, "We are trying to work out a final settlement in this case, and that is why we recommended this bill. We want to finally settle it." I think I am safe in saying that this bill will not settle it. I think I am safe in saying that these Indians, who have come here year after year after

year, trying to get title to this land in trust for themselves, would be back here again next year.

The Senator from Montana knows that once the title to this land had at long last been given to the Taos Pueblo——

Mr. METCALF. In fee.

Mr. HARRIS. That would be all of it, and no Congress would ever or could ever take that away.

Mr. METCALF. In fee.

Mr. HARRIS. In trust. The Senator knows that, and it seems to me that he is raising an irrelevant argument.

Mr. METCALF. Would the Senator permit me to put into the RECORD at this time a résumé of the Forest Services' operation to accommodate the Taos Indians? It is appropriate at this time.

Mr. HARRIS. I have no objection.

Mr. METCALF. Mr. President, I ask unanimous consent to have the résumé printed at this point in the RECORD.

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

RÉSUMÉ OF FOREST SERVICE ATTEMPTS TO ACCOMMODATE TAOS INDIANS

It has been suggested that a résumé be prepared of the actions taken by the Forest Service to accommodate the Taos Indians. They are listed as follows:

1. At the time of the establishment of the National Forest in 1906, the area was included at the request of the Indians to hold it from private land claims, inasmuch as they could not prove ownership before the Private Land Claims Commission.

2. In 1927, a cooperative agreement was signed between the U.S. Department of Agriculture and the Taos Pueblo to conserve and protect the water supply for the benefit of the Taos Pueblo. This agreement covered 31,000 acres of the Rio Pueblo.

3. In 1928, the Forest Service agreed to report favorably on legislation which would authorize a withdrawal of some 30,000 acres. This withdrawal covered all of the lands within the Rio Pueblo de Taos which belonged to the United States.

4. In 1936, the area withdrawn from mineral entry was expanded to 37,000 acres and included the Bonito and Witt Park areas which were outside of the special use area.

5. In 1939, the area used by Taos Pueblo was segregated from entry by Secretarial order.

6. The special-use permit issued to the Indians in 1940 accorded the Indians privileges over and above those set forth in the Act of 1933 in that it provided for the Indians to concur in issuing permits to non-Indians to enter the area and tied up the timber resources for the sole benefit of the Indians.

7. In 1949, the Indians complained about overuse at Blue Lake and the Forest Supervisor agreed to limit camping there to one night. At this same time, the Forest Supervisor advised the Indians that they were overstocking their range at approximately the rate of 1,000 animal months per year. They conceded that they were overstocking their range, but no commitments were made.

8. On September 8, 1950, the Forest Service wrote the BIA offering to include within the area grazed by Taos Pueblo cattle, the land known as the Tenorio Tract which was acquired in the Will Ed Harris exchange.

9. About 1950, the Forest Service obtained agreement from the State Game and Fish Department to stop stocking Blue Lake with fish, in order to make it less attractive to non-Indians. This was done at the request of the Pueblo Governor.

10. In 1952, the Forest Service consummated a land exchange with the State of New Mexico which placed the La Junta Canyon drainage in the ownership of the United States, thus making it possible to better protect this watershed in the long run, even though there were outstanding timber cutting rights which would continue for several years. This cutting and the camp conditions were the subject of a complaint from the Indians in 1956. We could offer little assistance except advise them to contact the State Health Service which apparently was done.

11. Also in 1956, the Pueblo Council complained of a road to be built to Blue Lake. The Forest Service advised them that there were no plans for such a road and it would not be permitted.

12. At a meeting with the Indian Council on October 25, 1956, an itemized accomplishment report was presented to the Indians and received their approval.

The summary is as follows:

(1) The sheep driveway up the Rio Lucero has been abandoned for eight years thus relieving grazing on the Indian free-use allotment.

(2) With the acquisition of the Leroux Grant, sheep grazing and trespass from this area was eliminated.

(3) All trespass by cattle, horses, and sheep has been eliminated.

(4) Overgrazing of the Blue Lake Basin has been eliminated and recovery is remarkable.

(5) The Forest Service employees have systematically cleaned up the public and Indian campgrounds in the vicinity of Blue Lake for approximately ten years.

(6) The State lands in La Junta Canyon were acquired.

(7) Camping permits at Blue Lake were limited to one night per visit. The Indians attempted to limit the use to the Blue Lake area to 20 non-Indians, annually. This was not agreed to. It was agreed, however, that no individual permits would be issued and groups of 5 to 20 people would be supervised. It was further agreed that publicity would emphasize the benefits to the Indians and not the scenery.

13. On January 21, 1963, the Carson National Forest Supervisor wrote the Indians that he was closing Blue Lake to all fishing and occupancy, including Taos Pueblo Indians, except for their ceremonial use. This was done to overcome protests by the Indians that their sacred rights were being violated.

14. In late 1967, the State Highway Department applied for a permit to examine routes for Highway 84 from Taos to Eagle Nest. One of the routes proposed for examination was up the Rio Pueblo. Supervisor Seaman met with the Highway Department officials and was able to convince them that it would not be in the best interest to plan roads in this area.

15. In April 1969, Forest Supervisor Hassell rescinded the Taos District Ranger's authority to issue Entry Permits to the Taos Indian Special Use Permit area. This action was taken so that the Supervisor would have the opportunity to review each application for entry and further insure protection of religious privacy for the Indians.

16. On April 22, 1969, Supervisor Hassell presented a cooperative agreement to Taos Pueblo Governor Sandoval. The purpose of this agreement was an attempt to work with Governor Sandoval and the Council to achieve a better working relationship and improved management of the Taos Pueblo Special Use Area. This agreement was not approved by the Governor and Council.

17. In March 1969, Ranger Freeman proposed a cooperative agreement to War Chief Ben Marquez for reconstruction of the fence on Capulin ridge, which is the south boundary of the Taos Pueblo Special Use Permit area. The purpose of this fence would be to help prevent unauthorized entry and to prevent drift of Indian livestock to surrounding lands. This agreement has been approved by the Indians and construction is underway.

18. Early in August 1969, the Forest Service, in response to an earlier request by the Taos Pueblo Indians, demolished and removed the Forest Service cabin and latrine near Blue Lake, rolled and removed the wire corral and restored and reseeded the area.

Directional signs in the general area containing references and mileages to Blue Lake were also removed at this time.

19. In December 1969, at a public meeting concerning the proposed Continental Divide Trail (Sangre de Chisto Loop), Forest Supervisor Hassell said he would recommend that the proposed trail be moved onto private land and farther away from Pueblo de Taos watershed. This recommendation was made and accepted by the Continental Divide Trail Study Committee. Taos Pueblo Governor Romero wrote Supervisor Hassell saying, "We are gratified that you have this understanding of our Indian ways of life and that you appreciate our need to protect our religious practices from intrusion from outsiders."

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

Mr. HARRIS. I yield to the Senator from Minnesota.

Mr. MONDALE. Do I correctly understand that the Senator from Oklahoma responded to my question by saying that the pending measure recommended by the Committee on the Interior would not grant title to the tribes but would grant something less than title, called an exclusive use?

Mr. HARRIS. The Senator is correct.

Mr. MONDALE. But that exclusive use could be terminated by the Forest Service without any further act of Congress. Is my understanding correct in that?

Mr. HARRIS. Under the House bill, which the Taos Pueblo Indians support, there is no termination provision. Under the bill recommended by the Senate Committee, there is automatic termination, without due process, for violation of "provisions of this act," which, I might point out to the Senator and to the Senate, is worse than what they have had; because they have had, under the law, no termination for a 50-year statutory period, under the statutory permit which they had had first issued in 1940 and which was renewable in 50-year periods.

Mr. MONDALE. Mr. President, will the Senator yield further?

Mr. HARRIS. I yield.

Mr. MONDALE. It has been some time since I have practiced law. But if the Senator from Oklahoma were representing a client who brought in a deed which extended to him an exclusive use, subject to termination at any time without notice, what would he recommend that the client pay for that right?

Mr. HARRIS. I think it would be a right of rather dubious value, not really a right at all.

Mr. MONDALE. The proposal which the Senator from Oklahoma makes, as I understand it, would grant title to these tribes, but that title would be in trusteeship?

Mr. HARRIS. Yes.

Mr. MONDALE. Under the direction of the Secretary of the Interior?

Mr. HARRIS. The Senator is correct. That is the usual situation for Indian lands, that the title would be held in trust by the Secretary of the Interior. This bill, on the other hand, sets up a very unusual and, it seems to me, dangerous precedent, to have Indian lands held not by the Secretary of the Interior but, in the every unusual case that the Senate committee bill recommends, held by the Secretary of Agriculture. It would continue to be so-called national forest, but then this piece would be carved out for what is called exclusive use of these tribes.

Mr. MONDALE. If the amendment offered by the Senator from Oklahoma is adopted, the tribes would have title to this property. Is that correct?

Mr. HARRIS. That is correct. And that title would be held in trust for them by the Secretary of the Interior.

Mr. MONDALE. Could the Secretary of the Interior terminate title on his own?

Mr. HARRIS. He could not.

Mr. MONDALE. It is this version which the tribes have asked to adopt into law?

Mr. HARRIS. That is correct.

Mr. MONDALE. In essence, the action of the House of Representatives is the action which those most directly concerned, the tribes, wish the Senate to take.

Mr. HARRIS. The Senator is correct.

Mr. MONDALE. Mr. President, will the Senator yield further?

Mr. HARRIS. I yield.

Mr. MONDALE. I am not acquainted with the details of this proposal, and I have great respect for those who disagree with my position; but I intend to vote with the Senator from Oklahoma on his proposal, for these reasons: First, I think more is being given by way of property rights; second, this is what those most directly concerned, the Indians, want, and, as the Senator from Arizona has pointed out, we are simply restoring some of that which we took from them—without compensation, I assume—years ago; and, finally, I believe that running through our whole relationship with the American Indian has been the strange, paternalistic tendency which somehow assumes that Indians are incapable of running their own lives and that they must be treated in a guardian-ward status.

I think that many times this approach is taken in good faith. But I believe that if anything has resulted in the tragedy of the lives of the American Indians—and it can only be called tragic—it has been that through the education programs we have tried to make good white men out of them, educating them with white teachers and with the English language and with no respect for their culture, no textbooks or curriculum that teaches them pride and confidence in themselves.

In the management of their lands, we have done the same. We have permitted them to use but not own the land—under control, once again, of the white man.

This runs, it seems to me, throughout this tragic and failure-ridden history of the Nation's policy with respect to the American Indian. It has been thought up with no principle and has been, I think, a cruel and unutterably, unfair failure. In my opinion, if there is one thing we must do to change this policy, it is to start assuming and accepting the fact that the Indians are human beings and Americans, having the same rights, the same opportunities, and the same need for pride in themselves, their culture, and their background as anybody else. That is why I am pleased to support the amendment offered by the Senator from Oklahoma.

Mr. HARRIS. I thank the distinguished Senator from Minnesota. No other man in this country or in the Senate has done more to right the centuries of wrongs done to the American Indians.

While I am on my feet, I wish to take this opportunity to commend the distinguished Senator from Arizona (Mr. GOLDWATER), who now occupies the chair, for what I know were not written statements on his part, the two statements he made earlier, but were purely out of his own thoughts on related matters. I thought they were excellent statements. On them alone, I think the case could be submitted.

I shall continue in regard to the issues that have been raised by those who support the Senate committee bill. First, I want to reiterate what I said earlier in answer to a statement or a question by the distinguished Senator from Montana (Mr. METCALF).

The Senator from Washington (Mr. JACKSON) in his opening statement on the bill earlier today said:

> It represents—
>
> Meaning the Senate commiittee bill—
>
> an effort to provide a final settlement to a long standing conflict over the use and administration of the lands in question.

That, in my judgment, will not prove to be true. The Indians of the Taos Pueblo have watched this age-old battle. They have more than once been able to convince the House of Representatives of the validity of their position. I think this is the first time they have come as far as they have today. In my judgment, I do not believe that, all of a sudden, at long last, when they are offered something less, in my judgment, than what they think is right, they are suddenly going to abandon this fight. I believe that the Senate position will not be a final settlement, should it be adopted. I think we will have this controversy all over again. I think these Indians will proceed with what has been their heroic effort over the years to have these sacred lands returned to them, with title held by the Secretary of the Interior, as the House bill provides.

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

Mr. HARRIS. I am pleased to yield.

Mr. MONDALE. I was on the Senate floor during the earlier colloquy which involved the question whether, if we should restore title to these tribes, a precedent would be created which would cause other Indians to come in and ask for rights to be granted to them under similar circumstances or circumstances involving the same principle. This mystifies me a little. If the Indians have a just claim in this case, is it the opinion of the Senator from Oklahoma that such a claim should be denied on the possible ground that another Indian tribe might come in with a just claim or with an unjust claim? Is that an equitable basis for denying a just claim?

Mr. HARRIS. The Senator from Minnesota has put his finger on the nub of the spurious, in my judgment, precedent issue. If the Taos Pueblo have a just claim, it ought to set a precedent for justice. It seems to me, as I said last night, that we have set plenty of precedents for injustice. So, in an individual and unique case let us set a principle for justice.

In the other cases that have been alluded to, I think we can show that there is a difference in substance. But if those Indians can come before the Committee on Interior and Insular Affairs, as they did in the Taos Pueblo case, and show that their case is just, what is wrong with setting a precedent that we will come down on the side of justice? I agree with the Senator from Minnesota. The question I want to address, because it really turns out to be the only argument in this case, is the issue of setting a legislative precedent.

Earlier, some allusion was made to the question of conservation. I said last night, and I repeat now, that it seems to me it is extremely ironic for anyone to raise the question of conservation of the environment against the American Indian, who is the original ecologist. It was not the American Indian who cut down the timber, or destroyed the countryside, or polluted the air and water, or wasted the natural resources. I would further point out, Mr. President, that the House bill provides that this land shall continue to be wilderness land. The issue of conservation, therefore, is obviously not involved. The question of precedents has been raised, and that is one that Senators should examine.

Mr. GRIFFIN. Mr. President, will the Senator yield briefly on the subject of conservation, before he moves to the issue involving the question whether there is a precedent?

Mr. HARRIS. I yield.

Mr. GRIFFIN. I bring this up as a matter of setting the record straight. On Monday, November 30, the distinguished Senator from Montana (Mr. METCALF) placed in the RECORD a statement, a part of which, bears rather directly on the question whether conservation will be practiced under this bill as passed by the House. At one point, the statement inserted in the RECORD by the junior Senator from Montana, reads:

> I think we have justifiable basis for putting some conditions into this Act. I have before me a copy of the Albuquerque Journal of November 15, 1970, with a full-page article entitled, "Taos Pueblo Seeks Return of Sacred Tribal Lands."

This statement appears on page 39142 of the RECORD of November 30. Later, referring to that newspaper article, the statement reads:

> The Tribal officials deny they want the Blue Lake area for economic reasons.

That, of course, raises the question whether the Taos Pueblo wants this land for religious reasons or for economic reasons. The statement then continues, referring to the article in the Albuquerque Journal of November 15:

It is stated that the tribe realized $50,000 in 1969 from hunting, fishing and camping permits. Where was this hunting, fishing, and camping done? The reservation is relatively small. Do they intend to expand this operation if they get Blue Lake and use it commercially?

Of course, those would appear to be legitimate questions, particularly in light of the article published November 15 in the Albuquerque Journal.

However, I know the Senator from Montana would want some additional information called to his attention. On the very next day, the same newspaper, the Albuquerque Journal, published another article which admitted an error in the article of November 15. I do not know; perhaps I may be repeating information provided earlier in the debate.

Mr. METCALF. Mr. President, will the Senator from Michigan place the entire article in the RECORD?

Mr. GRIFFIN. I shall. The article of November 16 reads, in part:

The Pueblo of Taos does not sell hunting, fishing, or camping permits to non-Indians, contrary to a statement in a Journal article on Taos Pueblo November 15.

The article quotes Walter Olson, Bureau of Indian Affairs area director and then adds: "A Bureau of Indian Affairs Fact Book for 1969 listed Taos as having received $50,000 for such permits, but Olson said that was in error. 'You can see it was our mistake,' Olson said."

I ask unanimous consent that the article from which I have read be printed in the RECORD.

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

PUEBLO OF TAOS SELLS NO PERMITS TO NON-INDIANS

TAOS PUEBLO.—The Pueblo of Taos does not sell hunting, fishing or camping permits to non-Indians, contrary to a statement in a Journal article on Taos Pueblo Nov. 15.

"Taos does not sell fishing, hunting or camping permits of any kind," said Walter Olson, Bureau of Indian Affairs area director.

A BIA factbook for 1969 listed Taos as having received $50,000 for such permits, but Olson said that was in error.

"You can say it was our mistake," Olson said.

Taos is one of the most conservative of pueblos in regard to tribal lands. They permit no leasing of lands for any use, according to Council Secretary Paul J. Bernal.

Mr. METCALF. Mr. President, where did they get the $50,000?

Mr. GRIFFIN. I am not able to answer the question.

Mr. METCALF. I do not know either.

Mr. GRIFFIN. I do not know that they received $50,000. However, the article published on the 15th was obviously not correct.

Mr. METCALF. Mr. President, I am delighted to have that information. All I did was quote from an article published in a New Mexico newspaper. However, if the Senator from Oklahoma is suggesting that this bill is going to be a perennial bill with us, we will find out about the $50,000 in the next year before the committee.

Mr. HARRIS. Mr. President, I thank the distinguished Senator from Michigan, a cosponsor of the amendment. I am grateful for the statement he made which will be, I think, very helpful.

Mr. President, I address myself again to this precedent issue, which is really the only one before the Senate.

The first and most important thing to know about that argument is exactly the point raised by the distinguished Senator from Minnesota (Mr. MONDALE).

Mr. President, I will not go into that again except to say that if we determine that the House-passed bill affords justice in this individual case, why, then, it is no argument against our position to say that it may set a precedent. Perhaps it will set a good precedent. We can decide each individual case. We can do that. We can decide additional cases on their individual merits.

As I said earlier, no one is going to bind himself on any additional claims by agreeing to pass the Taos Pueblo position. With respect to some of those who say that there are other cases like the Taos Pueblo case, I am willing to bet that when those cases come up, if they are not cases where the applicants are right—as I think they are in this case—the very ones now talking about precedents will be fighting those cases strongly.

Nothing will prevent them or any of the other Members of the 100-Member Senate from exercising their own free will and judgment in every case which comes before the committee or the Senate in the future.

The Taos Pueblo's claim to the Blue Lake area is unique. If, however, there are found to be other cases like it or nearly like it, we should do whatever is just in those individual cases. But the Taos Pueblo case is actually unique.

No other tribe has a claim of over 60 years standing to a distinct area of land continuously used and occupied by the tribe for religious purposes after deprivation of title.

Reference was made earlier by some to the case of the Yakima Indians and the Flathead Indians. In those cases, the Indians are not asking for the land back for religious purposes only. Nor are those cases in which the Indians have had exclusive use of that land in the past for religious purposes. Those cases are not like this case.

The Taos Pueblo case is a claim for land which, once restored, would not be subject to commercial development.

In the words of the anthropologist, Dr. John J. Bodine:

The Taos claim is unique because if Blue Lake and the surrounding lands are not returned to the tribe it will effectively destroy Taos culture. *No other Indian tribe can make that claim,* because no other Indian group today relies to the same degree on shrines in a restricted area for continuance of its religion.

Claims of other tribes for land with no special religious significance or where—as in most cases—the land has been conveyed to third parties are completely inapposite. The Departments of the Interior and Agriculture agree on the unique nature of the Taos claim.

Former Secretary of the Interior Udall and a whole host of other witnesses have testified that the Taos Pueblo are not seeking the return of the other lands—and I think this is very important—to which the Indian Claims Commission has ruled the tribe held aboriginal title, a balance of 82,000 acres in addition to the 48,000 acres which they are asking to have returned to them.

If any "precedent" were created by H.R. 471's restoration of title to the Pueblo, the Interior Committee substitute bill's creation of a sequestered special district within the national forest for exclusive use would set a much less desirable but equally strong precedent. I do not know of anything like that in the history of land where public land title is involved.

It is cleaner and less inimical to the public interest to transfer land to be used exclusively by the Taos Indians out of the national forests. Maintaining the fiction and exclusive-use land is a public national forest resource serves neither the best interests of the Indians nor of the United States.

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

Mr. HARRIS. Mr. President, I am glad to yield to the Senator from Montana.

Mr. METCALF. Mr. President, the very act that the Senator is amending, section 4 of the act of May 31, 1933 (48 Stat. 108) did exactly what we are trying to do here except for broadening the provisions and the number of acres provided for. In 1933 we did exactly what the committee is trying to do right now.

Mr. HARRIS. And that is what I am fighting. It is that long history of doing the wrong things that I am against. I want to do the right thing for once.

Mr. METCALF. Mr. President, the Senator says that this is a new act. It is exactly what we tried in 1933. This is just an expansion of the act. We cannot have it both ways.

The Senator wants to repeal it. I can understand the Senator's desire to repeal the act of 1933. But we are following the precedent set by Congress more than 30 years ago.

Mr. HARRIS. Mr. President, the Senator used the word "precedent." His position would make it possible for additional tribes to come in here and say, "We want to follow the Metcalf precedent. We want to carve out of national forest, lands that have been set aside for public use, tracts of land for our exclusive use. We want them given back to us as the Senator from Montana (Mr. METCALF) said could be done in the Taos Pueblo case."

Mr. President, whatever the Senator from Montana finds is right, I know that he will do. I will support the Senator in any just claim.

Mr. President, if the Senator thinks the claim of the Yakima Indians is just, he ought to be here advocating it, whether this bill passes or not.

The PRESIDING OFFICER (Mr. GOLDWATER). The Chair wishes to remind visitors in the galleries that they

are guests of the Senate and we would appreciate quiet.

The Senator may proceed.

Mr. HARRIS. Mr. President, a precedent would not be set by this bill nearly so much as the precedent that would be set and deepened and made more of a precedent under the argument of the distinguished Senator from Montana, under the bill which is recommended by the Senate committee, not under the bill recommended by the Taos Pueblo which I support. If it is objectionable to convey title to a tribe in lieu of cash, because other tribes may seek similar treatment, certainly it is no less objectionable to give a tribe exclusive use to part of a National Forest and then go on and call it a national forest.

The Senate committee seems to have anticipated this point by stating in its report that its version "deals only with the specific fact situation presented by the Pueblo Taos claim," and that it "does not represent a precedent for future cases."

If the Senate committee version can be said not to be a precedent because of a statement placed in the bill, we, ourselves, have done that and more in the record. Every single supporter of the Taos Pueblo position who has spoken has stated in this Chamber in debate last night and today that our position will constitute no precedent. Legislative history has clearly been established and that seems stronger than a statement along that line in the Senate committee version of the bill.

The same disclaimers here by those of us who favor the Taos position apply at least equally well as do those in the Senate committee bill.

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

Mr. HARRIS. I yield.

Mr. ANDERSON. What would be the legislative history here? I believe the Senator referred to the year 1300.

Mr. HARRIS. I believe the distinguished Senator from Arizona said he thought that probably the Taos people occupied the land in about 1200, certainly, he said, before the Spanish, Mexicans, and others came.

Mr. ANDERSON. When was the transfer made to the Federal Government?

Mr. HARRIS. In 1906. That has been held to be the original unlawful or unjust taking.

Mr. ANDERSON. What about the Treaty of Guadalupe Hidalgo?

Mr. HARRIS. What about it?

Mr. ANDERSON. It gave title to the Federal Government. The Taos had 4 square leagues, or 17,000 acres. That is all that was ever given to them.

Mr. HARRIS. The Senator does not dispute the holding of the Indian Claims Commission that the Taos Pueblo have aboriginal or Indian title not only to 48,000 acres but an additional 80,000 acres or so, as well, does he?

Mr. ANDERSON. There is no argument about that. What happened in this 1864 period?

Mr. HARRIS. As far as I am concerned I would be pleased to have the Senator relate that history. What is important is that the Senator recognizes, I recognize, and everybody that I know recognizes the Taos Indians have a valid claim to this 48,000 acres. The Senator and the committee want to give title back in another way than I think is proper.

Mr. ANDERSON. I want to know how they have title. They talk about restoring title. Title cannot be restored.

Can the Senator show one instance where the Taos government was ever authorized to take this land?

Mr. HARRIS. I honor the distinguished Senator from Washington, the distinguished Senator from New Mexico, and other Senators who set up the Indian Claims Commission. That was a great step forward. I want to uphold the ruling of the Indian Claims Commission in regard to the rights of the Taos Pueblo to this land.

Mr. ANDERSON. The Indian Claims Commission did not do that. The tribe sued for money and not for land.

Mr. HARRIS. The Senator does not maintain that the Taos Pueblo would accept money rather than land now, does he?

Mr. ANDERSON. I only say they sued for money and not for land.

Mr. HARRIS. There are additional acres involved in the Indian Claims Commission other than the 48,000 acres, but I am sure the Senator agrees that the Taos Pueblo steadfastly maintained that compensation in money will not be compensation at all because they maintain, and I think rightly, that this land has intrinsic value which cannot be compensated for in money.

Mr. ANDERSON. Every piece of land in the country is subject to that claim. I say they sued for money. I do not know how they can now get something else.

Mr. HARRIS. If the Senator feels that way about it, I cannot see why he would support even the Senate committee position.

Mr. ANDERSON. Has the Indian Claims Commission said they are entitled to something more?

Mr. HARRIS. The Senate is the important body. We are the ones who have now to say. It is not what someone else says. It is what we say.

Mr. ANDERSON. So the Senator wants to avoid the history of this matter.

Mr. HARRIS. I do not want to avoid the history. I have invited the Senator to relate it or put it in the RECORD. I do not see that it is involved in the question before the Senate today.

Mr. ANDERSON. I wish to say that by their testimony the Taos Tribe has admitted the Apaches also use this land for hunting and fishing.

Why does the Senator feature the Taos Indians and eliminate the others?

Mr. HARRIS. Does the Senator maintain they should not have exclusive use of the land? How can the Senator say on the one hand they should have exclusive use of it but not if it is held in trust by the Secretary of the Interior?

If the Senator's argument is right not even the committee bill should be passed.

Mr. ANDERSON. The committee bill is in compliance with what has been decided. They got a money judgment.

Mr. HARRIS. I have discussed this matter with the distinguished Senator from New Mexico a good many times. He and I disagree on the facts. This is an issue that we must submit to the Senate.

Before I continue, in that regard, I want to say that the distinguished Senator from New Mexico has a long and distinguished record, one which is rightly regarded with great admiration by many of us who have been in this body a lesser time, not only in the field of Indian affairs but in other fields, as well. I am sorry that he and I disagree not only on the factual situation and the historical justification, but also on the proper outcome of this measure. But this is not a matter of personalities or of which side should be approved as far as Senators are concerned; this is a matter of justice for the Indian people, justice they have sought for many years.

Mr. President, at this point, I ask unanimous consent to have printed in the RECORD an editorial entitled "Correcting An Ancient Indian Grievance," published in the Washington Post today, and an editorial entitled "Blue Lake To Taos," which was published today in the New York Times.

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

CORRECTING AN ANCIENT INDIAN GRIEVANCE

A test of the government's sincerity in its dealings with the Indians will come before the Senate today when it votes on the return of Blue Lake to the Taos tribe. In his special message to Congress last July, the President outlined a policy of respect for Indian traditions, customs, beliefs and way of life. Under this concept, Indians are to be allowed to live their lives in their own way in accord with their own values. In principle the new policy stands out in striking contrast to the paternalism, the neglect and broken promises of the past.

But will the Senate translate the policy into something more than mere words? The immediate question is one of returning to a group of the original Americans 48,000 acres of land including Blue Lake in New Mexico. The lake is sacred to the Indians. Long before the white man came it was their place of worship—a tribal shrine. The land was admittedly taken from the Indians in 1906 in crass disregard of their rights and their tribal culture. So the question of its restoration rightly becomes an acid test of the policy of respecting the Indians' rights and allowing them the cultural freedom that other ethnic groups in the country enjoy.

The House has passed a bill that would give the Taos Pueblo title to the land, but the Senate Interior Committee, under pressure from Sen. Clinton Anderson, reported out a bill that would merely permit the Indians to use the land. From their viewpoint, that would amount to continued denial of their sacred heritage. It would be a white man's expedient instead of rectification of a wrong in terms that the Indians themselves understand. The Indian Claims Commission has acknowledged that the government took the land for a national forest without compensation. Of course the tribe does not want compensation but the actual land and lake essential to its sacred rites.

Congress ought to recognize this grievance and return the land without any "ifs," "ands" or "buts." By adopting the Griffin-Harris amendment, the Senate can set the matter right.

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BLUE LAKE TO TAOS

The Senate can act today to right an old wrong. It is expected to vote on whether or not to restore to the Taos tribe of the Pueblo

Indians their title to a 48,000-acre tract high in the Sangre de Cristo Mountains of New Mexico, a sanctuary nearly two centuries before Columbus first crossed the Atlantic.

The Senate bill as it stands would give the tribe exclusive use of the area, but title would remain in the hands of the Forest Service, where it was misguidedly placed by President Theodore Roosevelt and Gifford Pinchot back in 1906 as part of the Carson National Forest. The key vote will be on a bipartisan amendment to substitute, in effect, the version passed by the House last year. This would return the land to the tribe outright, providing only that it should be reserved for religious and tribal uses and forever barred to commercial exploitation.

The difference between the two measures is subtle but of great importance. Pressing for the House bill, President Nixon sounded the right note when he observed that "no Government policy toward Indians can be fully effective unless there is a relationship of trust and confidence."

Senatorial friends of the Forest Service at first sought to combine religious use of Blue Lake and other shrines with the principle of multiple use elsewhere in the area. When that failed, they argued precedent: Indian claims are traditionally paid off with money, not land. But clearly that is not an appropriate approach here. The Taos Pueblos have been fighting for 64 years to get back their sanctuary, not to sell it—or even to enjoy its use by courtesy of the Forest Service.

The Senate now has a rare chance to do justice and perhaps to start the country back on the long road toward regaining the trust of the first Americans.

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

Mr. HARRIS. I yield.

Mr. ANDERSON. Mr. President, I want to say that this legislation started a good many years ago. I think it could be said that the present bill was started by the Senator from New Mexico. But the point of difference was that the Taos and their friends tried to get more than I thought they should have.

I kept worrying about the fact that the Senator from Oklahoma said something about lands being restored to the Indians. The Taos Indians never had title and it cannot be restored.

Mr. HARRIS. May I say again that there is no question in my mind that the distinguished Senator from New Mexico is quite sincere in the position he takes and I am equally sincere in my difference of opinion with him, which I regret.

I will just say, lastly, in regard to the matter of precedence, that Congress transfers public land to Indian tribes in every session as a routine transaction. So, in that respect at least, this would not be an unusual act for us to take, but it is unusual in that we are recognizing that this claim can be paid only in land. I think all sides recognize that. There is no question about it. We have all decided, both in the committee bill and the House bill, that we have to give land. The only question is who holds title, whether it be the Secretary of the Interior in trust, or the Secretary of Agriculture. In the Senate bill it would be the Secretary of Agriculture. In the House bill it would be the Secretary of the Interior.

It has been said that it does not make any difference. If it does not make any difference, let us do it the way the Indians themselves want it done. On the other hand, it is argued by the same Senators that it makes a lot of difference and that a precedent would be set. I agree with their first argument, that there is not much difference as far as precedent is concerned. We ought to do what the Indians want, to do justice in this case, and in the future let us take up individual cases as they arise.

Mr. METCALF. Mr. President, during the course of the debate, when the Senator from Oklahoma had the floor, he participated in a colloquy with the Senator from Minnesota on the question of exclusive use. At this time I wish to read into the RECORD that portion of the proposed bill relative to exclusive use:

For the purpose of protecting the watersheds—

And I will say to the Senator from Oklahoma this is why the conservation organizations are concerned about the bill—

"SEC. 4. (a) For the purpose of protecting the watersheds of the Rio Lucero and of the Rio de Pueblo de Taos and the interests and welfare of the tribe of Indians known as the Pueblo de Taos of New Mexico, the Secretary of Agriculture is hereby authorized and directed to segregate the following-described lands, which thereafter shall not be subject to entry under the land laws of the United States, and to thereafter administer the said lands for the exclusive use and benefit of the said tribe, which administration shall continue for so long as the provisions of this Act are complied with and the continued protection of the watershed is required by public interest:

So the purpose is twofold: One, the protection of the watershed; and, two, the interest in and the concern for the welfare of the Taos Tribe. The committee very carefully drew this bill to provide for that. Both of those purposes are provided for in the bill, and only one is provided for in the House bill.

Let us assume the Senator from Oklahoma is correct, and we provide for the interest and welfare of the tribe. We are not providing for the continued protection of the watershed in the public interest.

Mr. ALLOTT. Mr. President, will the Senator yield for a question, and perhaps a comment?

Mr. METCALF. I yield.

Mr. ALLOTT. The question has been raised directly here this afternoon that the Secretary of the Interior or the Secretary of Agriculture could terminate the right which is given by this bill. I, of course, have worked on this matter with the Senator from Montana for a long time.

If that is true, it would have to come under section 4(a), which the Senator from Montana just read. Is that correct?

Mr. METCALF. That is correct.

Mr. ALLOTT. I would like to make this part of the legislative record clear, because, in my opinion, at least as a man who once had practiced law for a considerable number of years, no Secretary could terminate the right which is created by the committee amendment. Does the Senator agree with that?

Mr. METCALF. I completely agree. There would be an entry into the court if there were an arbitrary termination by any Secretary for reasons not set forth in the bill. Otherwise it would require an act of Congress. It would be either way.

Mr. ALLOTT. Of course, we can never entirely keep human beings from being foolish.

Mr. METCALF. The Secretary of the Interior or the Secretary of Agriculture could be arbitrary—

Mr. ALLOTT. Attempt to be.

Mr. METCALF. Yes.

Mr. ALLOTT. But I want to make the legislative record clear that the only change in the status that could be made would be by an act of Congress itself.

Mr. METCALF. By an act of Congress; that is correct.

Mr. ALLOTT. I appreciate the Senator's remarks.

I would also like to go into one other matter, to explore a facet of this problem very briefly. This land was taken as a national forest in 1906, I believe, by President Theodore Roosevelt.

Mr. METCALF. It was taken out of the public domain. Previous to that it was still property of the United States, in the public domain, but it was incorporated into a national forest in 1906.

Mr. ALLOTT. In this respect the Indians are in no different situation than people, who have written to me, and I know have written to the Senator from Montana, and I know have written to every Western Senator, who have had land taken by the Interior Department or the Agriculture Department for incorporation into a national forest, incorporation into a park, or incorporation into a national monument—they receive compensation for land taken in each instance in dollars.

Mr. METCALF. That is correct, and that is appropriate. Indians aside, we have had great controversies about whether or not we are going to give lumbermen the right to log off some other part of the public domain if land was taken from them for a forest or a water fowl refuge or a park.

Mr. ALLOTT. The point I want to make with respect to this situation is that each American citizen is left to his recourse under the law, which is a recourse to apply for damages. So in this respect the Indians are getting in the bill far more protection than I could claim or that the Senator from Montana could claim as a member of a church if the Government decided that the land upon which the church was erected was needed for a public purpose. All we could claim was compensation for damages. Is that correct?

Mr. METCALF. That is right. We have recognized in the bill, as Mr. Bodine has suggested, that there is a special attachment to the land as far as the Indians are concerned. Therefore, we have given them a special and exclusive use. But if the Senator's church or my church or the church on the corner were taken for a highway, a park, a national forest, or a wildlife refuge, we would be compensated in money, and money alone.

The PRESIDING OFFICER. The question is on adoption of the committee amendment.

Mr. HARRIS. 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. HARRIS. 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. ANDERSON. Mr. President, I appreciate very much the courtesy of the Senator from Oklahoma. The Senator from Oklahoma presented his views.

Mr. President, we have before us the Senate committee version of H.R. 471, providing protection to the religious shrine known as Blue Lake in northern New Mexico. I support the legislation before us and urge that it be given favorable consideration.

First, I will explain very briefly what the bill does as presently written, then I will go into a brief but essential analysis of the claim and the need for this legislation.

The bill increases the amount of land in the Taos Indians' use permit to the full 48,000 acres sought by the tribe, segregates this area from the Carson National Forest for the exclusive use of the Taos Indians, creates a new ranger district manned exclusively by rangers who are Taos Indians to answer the Indians' assertion that the Forest Service has been insensitive to their religious needs, assures the tribe complete control over not only the religious area, but the entire watershed, insures that wise conservation practices will be maintained, and meets the objections of environmental and conservation organizations by not deeding away segments of national forest land.

H.R. 471 as now written is a genuine and valid compromise which will give full and lasting protection to the Taos religious shrines without establishing an undesirable precedent affecting lands throughout the United States.

The Blue Lake issue is an extremely complicated one which is not subject to easy condensation. It is the failure to recognize the complicated nature of the Blue Lake issue, I believe, that has led to much of the controversy surrounding the claim and that has prevented its earlier settlement.

In a sense, the Blue Lake claim has become a symbol of the plight of the American Indian, and thus has attracted adherents who are well-meaning but who are not fully conversant with the real issues involved.

The Taos Indians migrated to their present location in the period between A.D. 1300 and 1325. When the Spanish Crown assumed sovereignty over the area, it provided that the Indians were to have land traditionally used for farming, grazing, and other subsistence purposes. The King of Spain granted to various pueblos four leagues square or about 17,400 acres each. But the Taos Pueblo did not get confirmation of its four leagues square of land until 1864 when President Lincoln signed the grant. The Taos grant covered an area of approximately 17,400 acres surrounding the center of the Taos Pueblo. It did not include Blue Lake or any part of the 48,000-acre tract in H.R. 471. According to the law governing this area while under Spanish rule, as embodied in the Recompilacion, the Spanish law book, the land outside all of these Indian grants, though still roamed and used for hunting purposes, was to have the status of free and disencumbered land. I quote the following from the Recompilacion, book 4, title XII, where land grants are discussed:

> The rest of the land shall remain free and disencumbered to be granted and disposed of according to our will.

I might add that it was from this free and disencumbered land that the Spanish crown made its Spanish land grants throughout the Southwest. Hundreds of Spanish land grants had been made when the Government of Mexico obtained sovereignty over the Southwest in the early eighteen hundreds. The Mexican Government continued to make grants out of the free and disencumbered lands until the United States obtained sovereignty in 1848. Because of its mountainous and remote location, most of the Blue Lake area remained as free and disencumbered land under the flags of both Spain and Mexico.

When the United States assumed sovereignty under the Treaty of Guadalupe Hidalgo in 1848, it recognized all of the legitimate Spanish and Indian land grants in the Southwest. The rest of the land, including most of the Blue Lake area which therefore had been known as free and disencumbered land, became public domain. For over half a century, the United States administered the Blue Lake area as public domain. In 1906 the area was included in a National Forest and it has remained in that status to this day.

The Indian tribes of the Southwest have always used the land surrounding their pueblos for fishing, wood and water, and other traditional purposes. The Taos Pueblo originally subsisted off of approximately 300,000 acres of land in northern New Mexico. The U.S. Government has always recognized this use by the Indian tribes and it has come to be known by the confusing and inappropriate name of "aboriginal title." This is not an interest comparable to what we know as "title." It simply amounts to legal recognition that a given tribe at one time subsisted off of a certain area of land. Unfortunately, the failure by many to understand the distinction between aboriginal title and fee simple title as we know it in its ordinary legal sense has caused most of the confusion and misinformation surrounding the Blue Lake case.

Because of the many hundreds of millions of acres of lands all over the United States claimed under "aboriginal title" by the various Indian tribes, the Indian Claims Commission was created. Indian tribes were given the right to file claims before the Indian Claims Commission for settlement of their claims under aboriginal title. In processing a claim the Commission determines the size of the area upon which the Indian tribe at one time subsisted and makes its ruling. The particular Indian tribe then receives a cash settlement—not the land—based on the value per acre of the land when the United States took possession of the area.

The Taos Pueblo filed an aboriginal claim for 300,000 acres of land—including the Blue Lake area—before the Indian Claims Commission. In a 1965 ruling, the Commission found that the Taos Pueblo had aboriginal title to, and therefore should be granted cash compensation for, 130,000 acres of land—including the Blue Lake area. The next step will be for the Indian Claims Commission to determine the value of this acreage. When it does so, the Commission's recommendation will be sent to Congress for action. This is the procedure that has been followed by all other Indian tribes in the lower 48 States, and this is the procedure that must be followed in the Taos case. We cannot make a cash settlement and then make an additional settlement for land. Nor is there any realistic way to make a settlement for the land alone. The Indian Claims Commission has estimated that aboriginal title claims for land have been filed for 90 percent of all of the land in the continental United States. Needless to say, many, if not all, of the tribes which still have unsettled claims pending before the Commission would like to receive land instead of a cash settlement for their claims. If the Taos Tribe is granted an entire watershed, a landmark precedent will be set. There is no way to avoid this fact. I have no doubt that some tribes would even argue that those claims which have been fully settled by the Indian Claims Commission should be reconsidered because of such a precedent.

Now let us return to the particular case at hand. When the Taos Indians filed their claim before the Indian Claims Commission, they claimed more than 300,000 acres of land. However, because of the ruling in the case of *Pueblo de Cochiti* v. *United States*, 7 Indian Claims Commission 422 (1959), Indians have always been prohibited from claiming any of the Spanish land grants. For this reason, the Claims Commission by law was forced to reduce the 300,000-acre claim by eliminating the areas embraced by eight patented Spanish land grants. This resulted in the Taos claim being adjudicated at 130,000 acres—including the Blue Lake area.

It should be noted that the 48,000 acres provided for in the House bill would have to be reduced because of the same provision. H.R. 471 includes approximately 7,126 acres of the Antione Leroux grant.

The Taos Indians in 1933 were granted a 50-year permit by Congress—Public Law 73–28—for the Blue Lake area in lieu of a cash settlement for a different and unrelated claim. Under this permit, no one can go into the area without written permission from Taos Pueblo officials. Thus, the Taos Indians already have exclusive use of the Blue Lake area. They are in control. They could not have greater control if they owned the land outright.

It is often stated that the Blue Lake claim is unique among all Indian tribes, that no other tribe has claimed land for religious purposes as the Taos Indians have. Therefore, it is asserted, no precedent would be set if the 48,000 acres of land provided for in H.R. 471 were transferred to the Taos Pueblo. I submit that many other tribes have based their land

claims on religious importance. I will submit a list of these tribes for inclusion in the RECORD at the end of this statement. One can only speculate as to the number of claims throughout the United States based upon religion which will arise if the House bill were to be passed by Congress.

It is my hope that Congress can agree to settle the issue on its true merits rather than on a generalized desire to "do something" for the Indians. With the present legislation the Taos Indians can continue to receive the protection for their religious shrine that they rightfully deserve—without a disturbing precedent with national implications being established. Protection of the Blue Lake shrine is not incompatible with judicious treatment of the other major issues involved—land and water management and precedents governing the public domain. A solution is possible which will attain both goals and that is the opportunity that we have with the legislation before us today.

Additional land claims of Indian tribes: The Nambe claim, Indian Claims Commission docket No. 358, was quite similar to the Taos claim. In addition to a large quantity of land, this tribe claimed two sacred lakes lying in the National Forest, Lake Katherine and Sandy Lake. Several springs are mentioned as shrines in the Santa Clara Claim, Indian Claims Commission docket No. 355. Acknowledged scholars point out that every Pueblo tribe along the Rio Grande has shrines comparable in importance to Blue Lake. Members of the Navajo Tribe worship on Mount Taylor and Navajo Mountain. The Cochitis worship at locations within the Bandelier National Monument. The Santa Claras have religious shrines on Tschicoma Peak. The Hopis have shrines on the San Francisco peaks. I have been told that the Sandia Indians attach religious significance to the entire Sandia Mountain Range.

Mr. President, the only title the Taos Pueblo could have is the original title that was granted by the Treaty of Guadalupe Hidalgo, or the grant by the Spanish Crown, which said that the land shall remain free. That has been the trouble with most of the Spanish Crown claims, very frankly, because that is where the original rights were.

In the newspapers of only a few days ago, there is a picture of Alcatraz—"The Rock."

Certainly no New Mexico Indian would be entitled to claim any interest in that land. In fact, no Indian at all should have any valid claim, because that land belongs to the Federal Government, and it never has passed the title. But here is Alcatraz, a year after the invasion of the Indian tribes. They are there; it is not guesswork, they are there.

And what the Senator from Montana has stated is true: with this precedent, all a man has to do is go back to his own tribe and suggest some sort of legislation to obtain title.

Mr. President, we have spent some $400 million so far in settlement of Indian claims. That will all be completely thrown away if the House bill is passed.

The PRESIDING OFFICER (Mr. GOLDWATER). The question is on agreeing to the committee amendment.

Mr. HARRIS. 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. PERCY. 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. PERCY. Mr. President, I spoke yesterday on the measure (H.R. 471) that has been pending, and gave some of my own strong views on this matter. I did so after consulting with a number of representatives of the Indian community that we have in Chicago.

We have a very large resident group of Indians there, who are deeply concerned not only about problems affecting themselves personally and directly in urban areas, but also problems affecting Indians living in other areas of the country.

Today I should like to speak on another aspect of the issue and relate it back to the program enunciated by the President, and to indicate why I am not only supporting this bill because of my own deep convictions about the rightness of it but also because I support it because it will enable the President and the administration to fulfill a program that it had outlined heretofore. I think that the importance of the issue is really a weather vane for a new Indian policy and that this is a several step program.

Mr. President, several of our colleagues may be asking: Why is this issue important? Why should the Senate amend its own Interior Committee bill?

I believe it is important to go back to the original version of this bill on the merits alone—merits which my distinguished colleagues are pointing out in our discussion. There is, however, an importance beyond the merits, a significance wider than a single tribe in a single State.

Restoration of trust title for the Blue Lake lands to the Taos Pueblo people will signal something else to all America, Indian and non-Indian alike. It will say that this Congress and this Government mean a new beginning for the American Indian. A beginning of respect in substance, not just form. For decades we non-Indian Americans have saluted the forms of Indian life: feathers and dances, paint and spears. We have praised Indian art and retold Indian stories. But now we must turn a corner—not saluting the forms the less, but respecting the substance the more.

The American Indians residing in large numbers in Chicago feel very strongly about this. When I visited their community in uptown Chicago recently, they pointed out to me: No, we have not marched on city hall, we have not had riots, we have believed in the due process of law, and we have believed in the democratic process being responsive to the needs and hopes and promises and aspirations of our people. But we need to see more action, we need to see the system work, we need to see some responsiveness, and we need to have our faith restored that the process of justice will prevail in the legislative chambers.

We must now say to American Indian tribes and communities:

Your religious practices are equally sacred with ours.

Your local governmental functions should be in your own hands, as ours are, in our counties and cities.

Federal officials who help you shall be no longer your masters but your servants as they are for us.

These are new doctrines. This is a new start.

I am proud to point out that President Nixon has himself signaled the turning of this corner. In his historic message of July 8, 1970, the President described nine specific steps he hopes the Congress will take as a new beginning for Indians:

1. Termination is morally and legally unacceptable . . . because the mere threat of termination tends to discourage greater self-sufficiency among Indian groups.

2. We must reject the suffocating pattern of paternalism and empower a tribe or group of tribes or any other Indian community to take over the control or operation of Federally-funded and administered programs in the Department of Health, Education and Welfare and the Department of the Interior whenever the tribal council or comparable community governing group votes to do so.

3. Every Indian community wishing to do so should be able to control its own Indian schools, and with respect to non-Indian schools to which Indian children must go, the special federal funds for this purpose should be channelled directly to Indian tribes and communities to give Indians the ability to help shape the schools which their children attend.

4. The President proposed a new Indian Financing Act to broaden the existing Revolving Loan Fund from $25 million to $75 million and to provide additional incentives in the form of loan guarantees, loan insurance and interest subsidies to encourage *private* lenders to loan more money for Indian economic projects.

5. An additional $10 million is to be allocated in this fiscal year to Indian health programs.

6. Some seven urban Indian service centers will be strengthened to reach out and bring existing public services to the thousands of urban Indians lost in the anonymity of the city, often cut off from family and friends.

7. An Indian Trust Counsel Authority should be created to assure independent legal representation for the Indians' natural resource rights.

8. A new, additional Assistant Secretary of the Interior should be established for Indian and Territorial Affairs.

These are the first eight points in the President's landmark message. Some have already been taken up by the Senate Interior Committee, although the most thorough consideration of the President's legislative proposals will be given by the 92d Congress. Almost all of the proposals are the outgrowth of recommendations made many times by Indian groups themselves. Additional consultations are being and will be conducted in order to insure that the views of Indian tribes and communities are fully taken into account before the reform legislation is reintroduced in the new Congress.

These eight points represent a wholly new approach to the sustance of Indian

problems. The President's ninth point is the matter now before this body, and I would like to quote it in its entirety.

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

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

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

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

Our past Indian policies of subordination and paternalism are now just as outdated as the conquest policies of the ancient past. We must establish a new policy for American Indians: a policy of self-determination.

Today we begin to write a new slate, in a new time. We should restore trust title to the Blue Lake lands because it is morally right to do so, but we should take this action also because of what it will become. It will become a signal to the future, a sign that this Congress considers Indians not only as first Americans, but as equal Americans, whose institutions and beliefs are to have the same independence and respect which we non-Indians share for our own.

Mr. President, I am really very humble, when the present occupant of the chair, the Senator from Arizona (Mr. GOLDWATER) has spent a lifetime in finding ways to restore the faith of the Indians in this great democratic process. He has been a friend and protector long before I even developed an interest in the subject.

I have been extremely negligent in overlooking the feelings and hopes and aspirations of a constituency of my own. I have related myself to their problems as problems in their new State, the State of Illinois. I have tried to help them with their problems of housing and mass transportation, the problems they face of employment and job skills, and so forth, and relate them to their new experience and, for some of them, a strange urban area which to many of them seems almost a jungle, in the harshness with which it deals with life. But they have come there because of the conditions in which they found themselves in their native lands.

Therefore, I feel that I am arriving late on the scene, but I hope to make up for it with the intensity of my interest in the problem now. I am delighted to add my voice, for what it may be worth, to right something that I feel is wrong and also to help the President fulfill a program to which he has pledged himself and for which the administration is fighting valiantly at this time.

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

The PRESIDING OFFICER (Mr. GOLDWATER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The question is on agreeing to the committee amendment in the nature of a substitute.

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

The legislative clerk called the roll.

Mr. JORDAN of Idaho (after having voted in the affirmative). On this vote I have a pair with my colleague (Mr. CHURCH). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. COTTON (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from Kentucky (Mr. COOPER). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. SPARKMAN (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from Arkansas (Mr. FULBRIGHT). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. BYRD of West Virginia (when his name was called). On this vote I have a pair with the distinguished Senator from New Mexico (Mr. MONTOYA). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. STEVENS (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from Oregon (Mr. PACKWOOD). If he were present and voting he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Georgia (Mr. RUSSELL), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Rhode Island (Mr. PELL) are absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL) and the Senator from Maryland (Mr. TYDINGS) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) and the Senator from Kentucky (Mr. COOPER) are absent because of death in their respective families.

The Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

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

If present and voting, the Senator from Colorado (Mr. DOMINICK) would vote "yea."

The respective pairs of the Senator from Kentucky (Mr. COOPER) and that of the Senator from Oregon (Mr. PACKWOOD) have been previously announced.

The result was announced—yeas 21, nays 56, as follows:

[No. 408 Leg.]

YEAS—21

| | | |
|---|---|---|
| Allen | Ervin | Magnuson |
| Allott | Fannin | Metcalf |
| Anderson | Hansen | Stennis |
| Bennett | Hruska | Talmadge |
| Bible | Jackson | Thurmond |
| Byrd, Va. | Jordan, N.C. | Williams, Del. |
| Ellender | Long | Young, N. Dak. |

NAYS—56

| | | |
|---|---|---|
| Aiken | Hart | Muskie |
| Baker | Hartke | Nelson |
| Boggs | Hatfield | Pastore |
| Brooke | Holland | Pearson |
| Burdick | Hollings | Percy |
| Cannon | Hughes | Prouty |
| Case | Inouye | Proxmire |
| Cook | Javits | Randolph |
| Cranston | Kennedy | Ribicoff |
| Curtis | Mansfield | Schweiker |
| Dole | Mathias | Scott |
| Eagleton | McCarthy | Smith |
| Fong | McGee | Spong |
| Goldwater | McGovern | Stevenson |
| Goodell | McIntyre | Symington |
| Gore | Miller | Tower |
| Griffin | Mondale | Williams, N.J. |
| Gurney | Moss | Young, Ohio |
| Harris | Murphy | |

PRESENT AND ANNOUNCING LIVE PAIRS, AS PREVIOUSLY RECORDED—5

Jordan of Idaho, for.
Cotton, for.
Sparkman, for.
Byrd of West Virginia, for.
Stevens, for.

NOT VOTING—18

| | | |
|---|---|---|
| Bayh | Eastland | Packwood |
| Bellmon | Fulbright | Pell |
| Church | Gravel | Russell |
| Cooper | McClellan | Saxbe |
| Dodd | Montoya | Tydings |
| Dominick | Mundt | Yarborough |

So the committee amendment in the nature of a substitute was rejected.

Mr. DOLE. Mr. President, H.R. 471, as amended, which has been reported by the Senate Committee on Interior and Insular Affairs is claimed by its proponents to protect the sacred areas described by the Taos Pueblo Indians and to protect the ecology of the area by keeping the land in a wilderness status. The bill reported out by the committee does not do this and it is unsatisfactory to the Taos Indians and to the administration. Pres-

ident Nixon, in his Indian message of July 8, 1970, said:

> No government policy toward Indians can be fully effective unless there is a relationship of trust and confidence between the Federal government and the Indian people. Such a relationship cannot be completed overnight; it is inevitably the product of a long series of words and actions. But we can contribute significantly to such a relationship by responding to just grievances which are especially important to the Indian people.
>
> One such grievance concerns the sacred Indian lands at and near Blue Lake in New Mexico.

The President went on to urge prompt enactment of H.R. 471 as it originally came out of the House of Representatives.

The unamended version of H.R. 471 seeks to right a wrong that was done to the people of Taos Pueblo in 1906 when 48,000 acres in the Blue Lake area, in addition to other lands, were taken from them by the United States.

The Taos Indians have occupied their present pueblo since the year 1400. Being a sedentary people, they have continually used and occupied a well-defined area around the pueblo for hunting, gathering, grazing, and farming; however, the latter occupation has been relied upon less because of the 7,000 foot elevation and the 100-day growing season. These people value above all things their Indian culture, their Indian religion, and their traditional way of life.

On February 2, 1848, when the United States acquired sovereignty over New Mexico by the Treaty of Guadalupe Hidalgo, the Taos Indians owned all of the lands which they then used and occupied exclusively.

In 1906 the United States took 130,000 acres of the Taos Indians' land for inclusion in the Carson National Forest. The taking was by Executive order of the President. The Indians were not consulted, they were not paid, and they did not agree to the taking. The 48,000 acres in the original H.R. 471 is included in the 130,000 acres.

The primary plea of the Taos Indians is that their religious privacy be protected as it would be by H.R. 471. They assert the profound belief that the trees and all life and the earth itself within the watershed are comparable to human life and must not be cut or injured, but must be protected by wilderness status as is provided by H.R. 471. Under the provisions of the Wilderness Act the Federal Government has set aside nearly 11 million acres with an additional 4.4 million acres being considered for inclusion by the Forest Service. Giving title to the 48,000 acres to the Taos Indians would support this commendable trend and would at the same time indicate the respect of the white man and his government for the venerable and precious heritage of the Indian people. The Indians do not seek return of the total 130,000 acres which were taken from them but only the 48,000 containing the sacred land necessary for the life of their religion.

Arguments have been made that the conservation of the land and the water rights of downstream users would be jeopardized. The Taos people have used and occupied the watersheds of the Rio Pueblo and Rio Lucero for 700 years or more. They have always practiced conservation of those watersheds; they yield clear water today because of their long-standing care. The Indians feel that today it is more important than ever that the natural conditions of those watersheds be preserved as the source of pure water in those streams. The life of the Pueblo Indians depends upon that source of water even more than does the welfare of the non-Indians downstream because they obtain their drinking water directly from the Rio Pueblo. For these reasons, the Taos people want the protections of H.R. 471, which require the Secretary of the Interior to "be responsible for the establishment and maintenance of conservation measures for these lands, including without limitation, protection of forests from fire, disease, insects or trespass, prevention or elimination of erosion, damaging land use, or stream pollution, and maintenance of stream flow and sanitary conditions."

The Indians of Taos Pueblo have always accommodated their need for the waters of the Rio Pueblo and the Rio Lucero to the needs of non-Indians downstream. The methods of allocating those waters, which have been in force between Taos Pueblo and the non-Indian users downstream since 1893, have operated fairly for Indian and non-Indian users. The Taos delegation in a statement before the Subcommittee on Indian Affairs of the Senate Committee on Interior and Insular Affairs on July 9, 1970, said:

> A complaint was made by non-Indians concerning the flow of the Rio Lucero; and investigation was made by tribal and Bureau of Indian Affairs officials; the investigation disclosed no infringement of non-Indian water rights. The record shows that we have cooperated with our non-Indian neighbors, and are seeking ways to improve the effectiveness of cooperation with them." Furthermore, Taos Pueblo fully endorses the provisions of H.R. 471, which expressly protects existing methods of allocating water, stating that nothing in the bill shall ". . . impair any vested water rights."

Mr. President, the question of equity is on the side of the Indian in this matter before us and for that reason I fully support passage of the original H.R. 471.

Mr. CRANSTON. Mr. President, I strongly support, and am a cosponsor of, an amendment to H.R. 471, as reported by the Senate Committee on Interior and Insular Affairs. This amendment, of which Senators HARRIS and GRIFFIN are the principal sponsors, would substitute the original House-passed bill for the bill recently reported by the Senate committee by a split vote.

Basically, the issue is whether or not to grant "Indian title" for the sacred Blue Lake lands. The House bill would restore to the Taos Pueblo of New Mexico trust title to these lands. The Senate committee bill would not. Instead, it would grant an undefined right to "exclusive use" of the area, which would remain under Forest Service supervision. I am convinced that to deny the Taos Pueblo title to these lands constitutes not only a denial of justice, but also seriously jeopardizes their right to pursue their religion and culture, which are dependent on the Blue Lake and its associated shrines in the 48,000 acres in question.

In 1965, the Indian Claims Commission determined that the Taos Indians had established "Indian title" to 130,000 acres of land in northern New Mexico, including the 48,000 acres described in H.R. 471, and that this land was wrongfully taken from the Taos without compensation in 1906. The Taos have consistently refused monetary compensation. Monetary compensation is entirely out of the question in this case. All of the Taos religion and culture is dependent on the 48,000 acres of sacred land. They have no other church or shrine and no possibility of constructing either. Only restoration of the land itself can redress its wrongful taking.

It has been asserted that granting trust title to these lands would set a legislative precedent and other tribes might then seek similar legislation. Several groups and organizations interested in conservation and wildlife preservation have voiced their objections to these provisions on the grounds that taking land out of a national forest and granting it to a specific group constitutes a very dangerous precedent. I am not convinced that this is the case. Especially because the Blue Lake question is unique and unparalleled in the history of Indian-U.S. Government relations, I doubt that it could be construed as a precedent of danger to the future of national forest or national parklands.

The Department of the Interior has pointed out that this is the only instance of a tribal claim for land continuously used and occupied by the tribe after deprivation of title, and the only instance of a tribal claim for land, which once restored, would not be subject to commercial development but would be restricted to traditional and religious uses. Except for such uses, the land would remain forever wild. The Taos Pueblo's continuous possession and religious use of the 48,000 acres is clearly unique. Restoration of trust title is appropriate to meet the needs of the Taos Pueblo and will not establish a legislative precedent nor harm the public interest.

The Taos Pueblo unalterably opposes the substitute bill reported by the Senate committee. This substitute simply fails to correct the fundamental problem inherent in the present permit system—that of Forest Service control of the religious sanctuary of the Taos people. Forest Service supervision is provided by the committee bill despite what I understand to be the preference of the Department of Agriculture that jurisdiction over these lands be transferred to the Interior Department. I might also point out that the multiple use policies applicable to the Carson National Forest are incompatible with the religious uses of the land.

In addition, the committee bill provides for an undefined right to "exclusive use" of the 48,000 acres in question, yet also provides for the automatic termination of Indian exclusive use rights if the provisions of the act are not complied with. However, the provisions are

vague and uncertain, and at the very least would intensify the present conflicts between the Taos Pueblo and the Forest Service.

I would also like to point out, in reference to the arguments about precedent setting, what Leonard Garment said in an October 5, 1970, letter to Senator ALLOTT:

> The newly-proposed substitute itself continues an undesirable precedent, i.e., statutorily carving out pieces of a National Defense for "exclusive use."
>
> To sequester the use of a section of such lands, by statute, yet still call it a *National* Forest seems to be an inconsistency, compounded by the fact that the result is misleading to the public.

It seems rather obvious that the substitute bill is but a continuation of the present unacceptable permit system. It does not offer the security which the Taos Pueblo has sought for so many years and it threatens to jeopardize rather than insure the privacy of their religious practices.

It has become rather fashionable to discuss the plight of American Indians, who have suffered countless injustices at the hands of their white brothers generally, and the U.S. Government in particular. Such discussion inevitably turns to the need for positive action to rectify this unfortunate past relationship. Regrettably little concrete action has accompanied this rhetoric.

I believe that restoration of trust title to the sacred Blue Lake lands to the Taos Pueblo Indians can mark a significant break with past policies and can go far toward building new trust and confidence between American Indians and the U.S. Government. I, therefore, respectfully urge that the House version of H.R. 471 be passed without further delay.

Mr. GRIFFIN. Mr. President, in his historic message of July 8, 1970, on Indian affairs, President Nixon outlined a number of proposals designed to change the direction of our Indian policies. He specifically cited enactment of H.R. 471, the Taos-Blue Lake legislation passed by the House as an important and symbolic step toward development of a new relationship of trust and confidence between Indians and the Federal Government.

H.R. 471 was passed by the House of Representatives on September 9, 1969. A similar bill was passed by the House during the 90th Congress.

The purpose of this legislation is to convey trust title to the Pueblo de Taos Indians in New Mexico of approximately 48,000 acres of land they have used since the 14th century—land which the United States took from the Indians in 1906 without payment of any compensation. Under the House passed bill, use of the land would be restricted to religious and traditional purposes.

Except for these restricted uses the land will remain forever wild. Under the language of this amendment, the land shall be maintained as a wilderness as defined in section 2(c) of the act of September 3, 1964 (78 Stat. 890)—a protection these lands have heretofore not enjoyed.

Mr. Michael Nadel, assistant executive director and editor of the Wilderness Society, in a statement before the Interior Committee, endorsed H.R. 471 and expressed the view of his organization that the Indians will comply with the Wilderness provisions. He testified that:

> We have this faith by virtue of the intensity of the Indian in his respect for nature, and the inseparability of nature from his religious and cultural beliefs.

The 48,000 acres would be a part of the Pueblo de Taos Reservation, and would be governed under the laws and regulations applicable to other trust Indian lands administered by the Department of the Interior.

Under the present arrangement, the Indians have used 32,000 acres of the land under Forest Service permits dating back to 1940. The Taos have never been satisfied with the arrangement, and it has been the source of continuous controversy and conflict. During the Senate Interior hearings, the Department of Agriculture agreed that Forest Service supervision has not been satisfactory.

For nearly 70 years the Taos have patiently pleaded with the Federal Government to restore the sacred Blue Lake lands, considered by the Indians as a source of all its life, a natural cathedral containing holy places of their ancient religion which remains the central force of their cultural life. But they have never been able to regain their land, and they have only been allowed use of the wilderness area under a Forest Service permit.

The Senate committee bill, reported by a divided vote, would deny the Indians restoration of title and would merely confirm an uncertain right to use the area under continued Forest Service supervision. The committee bill is not satisfactory to the Taos or to the administration.

According to the Indian Claims Commission, in a decision of September 8, 1965, the Taos had clearly established Indian title to an estimated 130,000 acres by aboriginal use since the 14th century, and the U.S. Government had extinguished Indian title to the land without payment by adding the land to the Carson—formerly Taos—National Forest in 1906. The Commission directed that the Indians be paid the value of the 130,000 acres at that time. The value has not been determined. The judgment would be reduced accordingly if the Taos receive trust title to the 48,000 acres within the tract.

The religious significance of this particular land to the Taos Indians is best described in the Indian Claims Commission findings of fact:

> One of the precepts of Pueblo philosophy and religion is that a way of life was established in the beginning by Mother Nature and the Pueblo's forefathers, and that things should be done as they were in the past.
>
> The native religion of the Taos Indians is to this day very much involved with the daily life of the people. This religion does now and has for centuries tied them closely to the land. The land and the people "are so closely tied together that it is what might be technically called a symbiotic relationship—the people, by their prayers and their religious function, keep the land producing; and the land keeps the people."
>
> Starting with the northernmost part of the eastern claim area, the most important site identified on petitioner's Exhibit No. 84(a) is Blue Lake. This is the most sacred shrine of the Taos Indians. It is claimed to be their church. In August every year the entire adult population of Taos Pueblo goes to Blue Lake for ancient religious ceremonies which have continued uninterrupted for centuries. On the first day a ceremony is held in the Canyon of the Taos River, east of the Pueblo. Then on the second day, the Indians go to the Blue Lake and there hold ceremonies during the day and night.

Since the Taos lost title to the area in 1906, some commercial timber harvesting has occurred. A sacred lake was dynamited. A cabin was constructed a few hundred yards from their most sacred shrine. These acts had the same meaning to these particular Indians as the vandalizing of a church would have in a Christian community.

Of course, none of these acts were permitted with the knowledge that they violated the religion of the Taos people.

The Indians have also been under more pressure from the Forest Service from time to time to agree to more permits from sportsmen and other non-Indians to use the lands.

As Congressman SAYLOR stated on the floor of the House on June 18, 1968:

> The need for privacy to practice their religion is at the center of the conflict between the Pueblo de Taos Indians and the Forest Service. In the early days when the Forest Service emphasis was on preservation of the resource, the conflicts were few. In recent years, however, when greater emphasis has been placed on multiple use and on recreational use, the Indian use and the Indian values have been placed in jeopardy. It is the intrusion into the area by non-Indians, principally interested in camping and recreation, that causes the trouble. The presence of the non-Indians threatens destruction of the Indian religious life.

Congressman WAYNE ASPINALL, chairman of the House Interior and Insular Affairs Committee, has expressed similar views.

Although the Taos religion-culture is largely secret, it is clear that it depends for its continuance on the undisturbed existence of the shrines. No other tribe can make that claim. As anthropologist John J. Bodine of the American University stated in his letter dated July 10, 1970, included in the appendix to the Senate hearings:

> If Blue Lake and the surrounding lands are not returned to the Tribes, it will effectively destroy the Taos culture.
>
> All of Taos religion is dependent on the Blue Lake and its associated shrines in the 48,000 acres in question. They have no other "church" nor any possibility of constructing one. Therefore, monetary compensation for Blue Lake is out of the question. It provides them with no alternative whatsoever. There is only one Blue Lake just as there is only one Mecca.

Cathedrals, mosques, and temples are generally respected as structures of sanctity and significance because they are important in the religious lives of men and women. What the Indians of Pueblo de Taos are asking is that equal consideration—no more and no less—be extended to the shrine where they have performed their religious obligations for at least as long as the famed cathedrals of Europe have been in use.

Mr. Bodine's observations are fortified by the testimony of the Taos Pueblo del-

egation before the Senate Interior Committee. I invite my colleagues to examine that testimony, which begins on page 105 of the hearings.

From the standpoint of the merits of the claim, the Indian Claims Commission judicially determined in 1965 that the lands were wrongfully taken from the Taos in 1906. Nevertheless, the Indians have rejected monetary payment. In so doing, they have stated to all America that a culture and a religious tradition so unique cannot be compensated for by dollars and cents.

It has been argued that justice cannot be done for the Taos Indians by granting them trust title to the Blue Lake lands because this would set a legislative precedent and other tribes might seek similar relief.

The struggle of Taos de Pueblo for its sacred Blue Lake area is unprecedented in the history and experience of American Indians. As the Department of the Interior pointed out during the Senate hearings this is the only instance of a tribal claim for land continuously used and occupied by the tribe after deprivation of title, and the only instance of a claim for land, which once restored, would not be subject to commercial development, but could be used only for traditional and religious purposes.

The view of the Interior Department that this legislation would not set a legislative precedent is also held by former Interior Secretary Stewart Udall, who in testifying on H.R. 471 before the Senate Interior Committee, stated that—

> In the eight years I was Secretary there was no other tribe that came and presented any case to me; there was nothing that ever came to my attention of this kind . . . based in a paramount way on religious reason and religious argument.

Secretary Udall went on to say:

> I have come to believe that the Taos de Pueblo have a very special and very singular relationship that can be distinguished from any other.

In a letter to the Interior Committee dated July 8, 1970, former Secretary Hickel made these observations concerning this issue:

> H.R. 471 is not unique in proposing the grant of federally owned land to an Indian tribe. In almost every session Congress considers many similar bills. Several of these bills have been enacted. There is a difference in this bill in that here the Indians are entitled to be paid for the land, and in the view of the tribe no money payment can adequately compensate for this land. There has been some feeling that if the Pueblo Taos Indians are given this land a precedent will be set whereby other Indian tribes will seek the return to them of the land to which they are determined by the Indian Claims Commission to have had Indian title. We do not think this is necessarily the case. In a great many of the cases the land for which tribes are being compensated is not in the proximity of their present holdings. Moreover, a few of the tribes have expressed a desire to have such land returned to them. We view the question of whether Indian tribes are to be given money payment or their land returned as one that will have to be decided on the merits of each case.

The distinguished chairman of the Interior Committee, in referring to the committee-approved substitute bill in a floor speech on October 13, 1970, stated:

> It should, however, be recognized that H.R. 471, as reported by the Interior Committee deals only with the specific fact situation presented by the Pueblo de Taos claim. It represents an effort to provide a final settlement to a long-standing conflict over the use and administration of the lands in question. It does not, however, represent a precedent for future cases or an expression of national policy on the handling of religious, sacred, or ceremonial land claims which have been or which may be advanced by other Indian communities. In ordering H.R. 471 reported to the Senate the committee has made clear that it was reserving a decision on the national issues presented by sacred and ceremonial land claims until there was an adequate opportunity to develop a comprehensive policy.

Senator JACKSON's observation that the legislation applies only to the specific Taos problems and does not represent a precedent holds true whether the solution is restoration of title or provision for continued use by the Taos people.

I certainly endorse Senator JACKSON's desire to move toward the development of a comprehensive policy on the issues presented by sacred and ceremonial land claims, and commend him for his leadership in introducing S. 4469, which could be a first effort toward a national policy for recognition of continued protection of sacred tribal places.

Considerable national attention has been focused recently on the problems and plight of the American Indians, and with justification. As President Nixon said in his recent message to Congress on Indians on July 8, 1970:

> This condition is the heritage of centuries of injustice. From the time of their first contact with European settlers, the American Indians have been oppressed and brutalized, deprived of their ancestral lands, and denied the opportunity to control their own destiny.

This legislation is the first of the President's recommendations in the field of Indian affairs to reach the floor of the Senate. By the enactment of this legislation, we will be according justice and demonstrating commitment to a group of Americans who have been neglected in many respects for too long.

In the Taos' efforts to regain their lands, we can perceive in Indians everywhere a rebirth of pride in their race and culture. This new era of human dignity promises to enrich American society as a whole.

There should be no further pressure on the tribes to dismantle their governments, to abandon their cultures, and to cease in practicing their ancient religions.

President Nixon called for such a policy in his statement to the National Congress of American Indians on September 27, 1968, stating:

> We must recognize that American society can allow many different cultures to flourish in harmony, and we must provide an opportunity for those Indians wishing to do so to lead a useful and prosperous life in an Indian environment . . . the Indian people have long responded to deprivation and hardship by seeking to utilize the processes of orderly change. We must seek to demonstrate to them all that our society is responsive to their patient pleas and help them to live among us in prosperity, dignity and honor.

Normally, bills involving Indian land claims in other States do not generate mail from my constituents. However, this legislation has been endorsed by the Michigan Indian Commission, United Tribes of Michigan, Michigan Council of Churches, Indian constituents, and non-Indian constituents.

Because of the uniqueness of this particular Indian land claim; because the Taos Indians without question had established Indian title to a much larger area; because of the singular close religious significance which this land has to the daily lives of the Taos people; and because enactment of this bill would go far toward restoring Indian trust and confidence in the Federal Government, I strongly urge enactment of this legislation in the form as passed by the House.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. GRIFFIN. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

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

The bill (H.R. 471) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The question is on final passage. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. ALLOTT. Mr. President, I shall not take long nor detain the Senate long, but I deem this vote of such importance that I want to make my position very clear. Despite the fact this is a bill which has been endorsed by my administration, I feel very strongly that is a bad bill and that it sets a precedent which the Senate will live to regret. I will go so far as to say that if this bill passes today, there is no Member of the Senate, who will not wish 100 times he had not voted for it because of the precedent it sets. I am also ever mindful of the great knowledge that the senior Senator from New Mexico has in this area, and I am mindful of his long knowledge and long study of this subject. The junior Senator from Arizona probably is the only other man in the Senate who has comparable knowledge, and that knowledge is also very great.

I am mindful of the knowledge and the position of the Senator from New Mexico when I announce that I oppose the passage of this measure because I think the Senate had worked out in its committee amendment, which has been rejected and rejected by a sizable vote, a justifiable and equitable settlement of this matter. I believe we should have adopted it, and we could have thus set a precedent for dealing with other problems in the future. There is no policy now for dealing with these problems in the future and we will see a plague of similar bills before the Senate and before the House in the future which there will be little opportunity to avoid on the basis of this precedent, even though it is said it is not a precedent.

For these reasons I will vote against the bill and I hope that all Senators who are mindful of the precedent that this is setting will also vote against it.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Texas (Mr. YARBOROUGH), are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Rhode Island (Mr. PELL) are absent on official business.

I further announce that, if present and voting, the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Arkansas (Mr. FULBRIGHT) would each vote "yea".

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) and the Senator from Kentucky (Mr. COOPER) are absent because of death in their respective families.

The Senator from Colorado (Mr. DOMINICK), the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD) and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

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

If present and voting, the Senator from Kentucky (Mr. COOPER), the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), and the Senator from Oregon (Mr. PACKWOOD) would each vote "yea".

The result was announced—yeas 70, nays 12, as follows:

[No. 409 Leg.]

YEAS—70

| | | |
|---|---|---|
| Aiken | Hart | Percy |
| Allen | Hartke | Prouty |
| Baker | Holland | Proxmire |
| Boggs | Hollings | Randolph |
| Brooke | Hruska | Ribicoff |
| Burdick | Hughes | Russell |
| Byrd, Va. | Inouye | Schweiker |
| Byrd, W. Va. | Javits | Scott |
| Cannon | Jordan, N.C. | Smith |
| Case | Kennedy | Sparkman |
| Cook | Long | Spong |
| Cotton | Mansfield | Stennis |
| Cranston | Mathias | Stevens |
| Curtis | McGee | Stevenson |
| Dole | McGovern | Symington |
| Eagleton | McIntyre | Talmadge |
| Ervin | Miller | Tower |
| Fong | Mondale | Tydings |
| Goldwater | Moss | Williams, N.J. |
| Goodell | Murphy | Williams, Del. |
| Gore | Muskie | Young, N. Dak. |
| Griffin | Nelson | Young, Ohio |
| Gurney | Pastore | |
| Harris | Pearson | |

NAYS—12

| | | |
|---|---|---|
| Allott | Ellender | Jordan, Idaho |
| Anderson | Fannin | Magnuson |
| Bennett | Hansen | Metcalf |
| Bible | Jackson | Thurmond |

NOT VOTING—18

| | | |
|---|---|---|
| Bayh | Eastland | Montoya |
| Bellmon | Fulbright | Mundt |
| Church | Gravel | Packwood |
| Cooper | Hatfield | Pell |
| Dodd | McCarthy | Saxbe |
| Dominick | McClellan | Yarborough |

So the bill (H.R. 471) was passed.

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

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

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, The Senate's disposition of this proposal today is to be commended. It was done so efficiently and with full regard for the views of all.

It must be said that my colleague from Montana (Mr. METCALF) urged the committee's position on this measure with the great skill and ability that have characterized and distinguished his public service. That the position urged by the committee did not prevail is no reflection on the quality of his advocacy or that of the distinguished senior Senator from New Mexico (Mr. ANDERSON), or of the distinguished Senator from Washington (Mr. JACKSON), the able chairman of the committee.

As in so many cases, the issue here was far from an easy one to decide. The committee itself was closely divided and the position of the House of Representatives—that advocated by the distinguished Senator from Oklahoma (Mr. HARRIS)—ultimately prevailed. I nevertheless commend Senator METCALF, Senator ANDERSON, and Senator JACKSON. They urged their position strongly and with the greatest sincerity.

The same may be said for the distinguished senior Senator from Oklahoma (Mr. HARRIS), the distinguished senior Senator from Massachusetts (Mr. KENNEDY), the distinguished Senator from Michigan (Mr. GRIFFIN), and the many others who urged the position that ultimately prevailed. And once again, may I say that the Senate as a whole is to be commended for disposing of this measure expeditiously and with full regard for the views of every member.

## CORRECTION OF CERTAIN PRINTING AND CLERICAL ERRORS IN THE LEGISLATIVE REORGANIZATION ACT OF 1970

Mr. METCALF. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Joint Resolution 1411.

The PRESIDING OFFICER (Mr. SCHWEIKER) laid before the Senate House Joint Resolution 1411, correcting certain printing and clerical errors in the Legislative Reorganization Act of 1970, which was read twice by its title.

Mr. METCALF. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

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. METCALF. Mr. President, this is merely a joint resolution to correct printing and clerical errors. There are no substantial changes. However, since it came over from the House, another error has been found, and I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

At the end of the joint resolution, add the following new paragraph:

"(6) The last sentence of section 134(c) of the Legislative Reorganization Act of 1946, as amended by section 117(a) of the Legislative Reorganization Act of 1970, is amended by striking out 'paragraph 5' and inserting in lieu thereof 'paragraph 7'."

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

Mr. METCALF. I yield.

Mr. SCOTT. I understand all these matters have been cleared with the Senator from Delaware (Mr. BOGGS). Is that correct?

Mr. METCALF. With the Senator from Delaware and, in the absence of the distinguished majority leader, with the Senator from Michigan. These are simply clerical errors and enumerations.

Mr. SCOTT. I understand, there is no objection.

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

The amendment was agreed to.

The PRESIDING OFFICER. The joint resolution is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the joint resolution.

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

The joint resolution (H.J. Res. 1411) was read the third time, and passed.

## FEDERAL-AID HIGHWAY ACT OF 1970

Mr. RANDOLPH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 4418.

The PRESIDING OFFICER (Mr. SCHWEIKER) laid before the Senate the amendments of the House of Representatives to the bill (S. 4418) to authorize appropriations for the fiscal years 1972 and 1973 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes," which were to strike out all after the enacting clause, and insert:

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Federal-Aid Highway Act of 1970".

REVISION OF AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SYSTEM

SEC. 102. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "and the additional sum of $2,225,000,000 for the fiscal year ending June 30, 1974" and inserting in lieu thereof the following: "the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1974, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1975, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1976, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1977, and the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1978".

AUTHORIZATION OF USE OF COST ESTIMATE FOR APPORTIONMENT OF INTERSTATE FUNDS

SEC. 103. The Secretary of Transportation is authorized to make the apportionment for the fiscal years ending June 30, 1972, and June 30, 1973, of the sums authorized to be appropriated for such years for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5, House Document Numbered 91-317.

EXTENSION OF TIME FOR COMPLETION OF SYSTEM

SEC. 104. (a) The second paragraph of section 101(b) of title 23, United States Code, is amended by striking out "eighteen years" and inserting in lieu thereof "twenty-two years" and by striking out "June 30, 1974" and inserting in lieu thereof "June 30, 1978".

(b)(1) The introductory phrase and the second and third sentences of section 104(b)(5) of title 23, United States Code, are amended by striking out "1974" each place it appears and inserting in lieu thereof at each such place "1978".

(2) Such section 104(b)(5) is further amended by striking out the two sentences preceding the last sentence and inserting in lieu thereof the following: "The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives on April 20, 1970. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1972, and June 30, 1973. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1972. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1974, and June 30, 1975. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1974. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1976, and June 30, 1977. The Secretary shall make a final revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1976. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal year ending June 30, 1978."

HIGHWAY AUTHORIZATIONS

SEC. 105. For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system and the Federal-aid secondary system and for their extension within urban areas, out of the Highway Trust Fund, $1,100,000,000 for the fiscal year ending June 30, 1972, and $1,100,000,000 for the fiscal year ending June 30, 1973. The sums authorized in this paragraph for each fiscal year shall be available for expenditure as follows:

(A) 45 per centum for projects on the Federal-aid primary highway system;

(B) 30 per centum for projects on the Federal-aid secondary highway system; and

(C) 25 per centum for projects on extensions of the Federal-aid primary and Federal-aid secondary highway systems in urban areas.

(2) For the Federal-aid primary system and the Federal-aid secondary system, exclusive of their extensions in urban areas, out of the Highway Trust Fund, $125,000,000 for the fiscal year ending June 30, 1972, and $125,000,000 for the fiscal year ending June 30, 1973, such sums to be in addition to the sums authorized in paragraph (1) of this subsection. The sums authorized in this paragraph for each fiscal year shall be available for expenditure as follows:

(A) 60 per centum for projects on the Federal-aid primary highway system; and

(B) 40 per centum for projects on the Federal-aid secondary system.

(3) For the Federal-aid urban system, out of the Highway Trust Fund, $200,000,000 for the fiscal year ending June 30, 1972, and $200,000,000 for the fiscal year ending June 30, 1973.

(4) For traffic operation projects in urban areas as authorized in section 135 of title 23, United States Code, out of the Highway Trust Fund, $200,000,000 for the fiscal year ending June 30, 1972, and $200,000,000 for the fiscal year ending June 30, 1973.

(5) For forest highways, $33,000,000 for the fiscal year ending June 30, 1972, and $33,000,000 for the fiscal year ending June 30, 1973.

(6) For public lands highways, $16,000,000 for the fiscal year ending June 30, 1972, and $16,000,000 for the fiscal year ending June 30, 1973.

(7) For forest development roads and trails, $170,000,000 for the fiscal year ending June 30, 1972, and $170,000,000 for the fiscal year ending June 30, 1973.

(8) For public lands development roads and trails, $5,000,000 for the fiscal year ending June 30, 1972, and $5,000,000 for the fiscal year ending June 30, 1973.

(9) For park roads and trails, $30,000,000 for the fiscal year ending June 30, 1972, and $30,000,000 for the fiscal year ending June 30, 1973.

(10) For parkways, $11,000,000 for the fiscal year ending June 30, 1972, and $11,000,000 for the fiscal year ending June 30, 1973, and $25,000,000 for construction of the Palisades Parkway in the District of Columbia, and $65,000,000 for reconstructing to six lanes the section of the Baltimore-Washington Parkway under the jurisdiction of the Secretary of the Interior to the standards for the National System of Interstate and Defense Highways.

(11) For Indian reservation roads and bridges, $30,000,000 for the fiscal year ending June 30, 1972, and $30,000,000 for the fiscal year ending June 30, 1973.

(12) Nothing in this section shall be construed to authorize the appropriations of any sums to carry out sections 131, 136, 319(b) or chapter 4 of title 23, United States Code.

(13) In addition to all other authorizations for the Interstate System for the two fiscal years ending June 30, 1972, and June 30, 1973, there is authorized to be appropriated out of the Highway Trust Fund not to exceed $55,000,000 for each such fiscal year for such System. Such authorization shall be apportioned to each of the States receiving apportionments under section 103 of this Act of less than one-half of 1 per centum for each such fiscal year, so as to insure that each such State will receive for each such fiscal year an amount equal to one-half of 1 per centum of the total apportionment for each such fiscal year under section 103 of this Act.

FEDERAL-AID URBAN SYSTEM

SEC. 106. (a) Subsection (a) of section 101 of title 23, United States Code, is amended as follows:

(1) After the definition of the term "Secretary" add the following new paragraph:

"The term 'urbanized area' means an area so designated by the Bureau of the Census."

(2) After the definition of the term "Federal-aid secondary system" add the following new paragraph:

"The term 'Federal-aid urban system' means the Federal-aid highway system described in section (d) of section 103 of this title."

(3) The definition of the term "Interstate System" is amended to read as follows:

"The term 'Interstate System' means the National System of Interstate and Defense Highways described in subsection (e) of section 103 of this title."

(b)(1) Subsections (d) and (e) of section 103 of title 23, United States Code, are relettered (e) and (f), respectively, including all references thereto, and section 103 is further amended by adding immediately after subsection (c) the following subsection (d):

"(d) The Federal-aid urban system shall be established in each urbanized area. The system shall be so located as to serve the major centers of activity, the highest traffic volume corridors, and the longest trips within such area, and shall be selected from those routes included in the mileage figures for the urban principal arterial system as set forth in the '1970 National Highway Needs Report Supplement' other than routes on the Interstate System. No route on the Federal-aid urban system shall also be a route on any other Federal-aid system. Each route of the system shall connect with another route on a Federal-aid system. The establishment of the system and the selection of the routes shall be based on a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title. Routes on the Federal-aid urban system shall be selected by the State highway departments and the appropriate local road officials in cooperation with each other, subject to approval by the Secretary as provided in subsection (f) of this section. The provisions of chapters 1, 3, and 5 of this title that are applicable to Federal-aid primary highways shall apply to the Federal-aid urban system except as determined by the Secretary to be inconsistent with this subsection."

(2) Relettered subsection (f) of section 103 of title 23, United States Code, is amended by inserting after "the Federal-aid secondary system," the following: "the Federal-aid urban system,".

(c)(1) Section 104 of title 23, United States Code, is amended by adding at the end thereof the following:

"(f) Not to exceed 50 per centum of the amounts apportioned in accordance with paragraph (3) of subsection (b) of this section may be expended for projects on the Federal-aid urban system."

(2) Subsection (b) of section 104 of title 23, United States Code, is amended by adding at the end thereof the following new paragraph:

"(6) For the Federal-aid urban system:

"In the ratio which the population in urbanized areas, or parts thereof, in each State bears to the total population in such urbanized areas, or parts thereof, in all the States as shown by the latest available Federal census."

(d) Subsections (d) and (e) of section 105 of title 23, United States Code, are relettered (e) and (f), respectively, including all references thereto, and section 105 is further amended by adding immediately after subsection (c) a new subsection (d):

"(d) In approving programs for projects on the Federal-aid urban system, the Secretary shall require that such projects be selected by the State highway department and the appropriate local road officials in cooperation with each other."

(e) Subsection (b) of section 106 of title 23, United States Code, is amended to read as follows:

"(b) In addition to the approval required under subsection (a) of this section, proposed specifications for projects for construction on (1) the Federal-aid secondary system, except in States where all public roads and highways are under the control and supervision of the State highway department, and (2) the Federal-aid urban system, shall be determined by the State highway department and the appropriate local road officials in cooperation with each other."

(f) Subsection (a) of section 120 of title 23, United States Code, is amended by striking out "and the Federal-aid secondary system" and inserting in lieu thereof a comma and the following: "the Federal-aid secondary system, and the Federal-aid urban system".

(g) Subsection (b) of section 135 of title 23, United States Code, is amended by inserting after "urban areas" the following: "and on the Federal-aid urban system".

PROHIBITION OF IMPOUNDMENT OF APPORTIONMENTS AND DIVERSION OF FUNDS

SEC. 107. Subsections (c) and (d) of section 101 of title 23, United States Code, are amended to read as follows:

"(c) It is the sense of Congress that under existing law no part of any sums authorized to be appropriated for expenditure upon any Federal-aid system which has been apportioned pursuant to the provisions of this title shall be impounded or withheld from obligation, for purposes and projects as provided in this title, by any officer or employee in the executive branch of the Federal Government, except such specific sums as may be determined by the Secretary of the Treasury, after consultation with the Secretary of Transportation, are necessary to be withheld from obligation for specific periods of time to assure that sufficient amounts will be available in the Highway Trust Fund to defray the expenditures which will be required to be made from such fund.

"(d) No funds authorized to be appropriated from the Highway Trust Fund shall be expended by or on behalf of any Federal department, agency, or instrumentality other than the Federal Highway Administration unless funds for such expenditure are identified and included as a line item in an appropriation Act and are to meet obligations of the United States heretofore or hereafter incurred under this title attributable to the construction of Federal-aid highways or highway planning, research, or development."

INCREASED FEDERAL SHARE

SEC. 108. (a) Section 120 of title 23, United States Code, is amended by striking out "50 per centum" each place it appears and inserting in lieu thereof at each such place the following: "70 per centum".

(b) The amendments made by subsection (a) of this section shall take effect with respect to authorizations for appropriations for fiscal years beginning after June 30, 1973.

EMERGENCY RELIEF

SEC. 109. The first sentence of subsection (a) of section 125 of title 23, United States Code, is amended to read as follows: "An emergency fund is authorized for expenditure by the Secretary, subject to the provisions of this section and section 120, for (1) the repair or reconstruction of highways, roads, and trails which he shall find have suffered serious damage as the result of (A) natural disaster over a wide area such as by floods, hurricanes, tidal waves, earthquakes, severe storms, or landslides, or (B) catastrophic failures from any cause, in any part of the United States, and (2) the repair or reconstruction of bridges which have been permanently closed to all vehicular traffic by the State after December 31, 1967, because of imminent danger of collapse due to structural deficiencies or physical deterioration."

TRAINING PROGRAMS

SEC. 110. Section 140 of title 23, United States Code, is amended by inserting "(a)" immediately before "Prior" and by adding at the end thereof the following new subsection:

"(b) (1) For the purpose of providing for the continuation of training programs during seasonal shutdowns of highway construction work, sums apportioned in accordance with section 104 of this title shall be available to finance the Federal share of those portions of the costs of apprenticeship, skill improvement, or other upgrading programs, which the Secretary determines are (A) in compliance with the requirements of this section, (B) conducted during periods of the year when highway construction cannot reasonably proceed because of climatic conditions, and (C) supplementary to on-the-job training conducted during the construction season.

"(2) The Federal share payable on account of any portion of any training program under this subsection shall be that provided in section 120 of this title."

URBAN HIGHWAY PUBLIC TRANSPORTATION

SEC. 111. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 142. Urban highway public transportation

"(a) To encourage the development, improvement, and use of public mass transportation systems operating motor vehicles on highways, other than on rails, for the transportation of passengers (hereinafter in this section referred to as 'buses') within urbanized areas so as to increase the traffic capacity of the Federal-aid systems, sums apportioned in accordance with paragraphs (3), (5), and (6) of subsection (b) of section 104 of this title shall be available to finance the Federal share of the costs of projects for the construction of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities, including shelters, and fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers.

"(b) The establishment of routes and schedules of such public mass transportation systems shall be based upon a continuing comprehensive transportation planning process carried on in accordance with section 134 of title 23, United States Code.

"(c) For all purposes of this title, a project authorized by subsection (a) of this section shall deemed to be a highway project, and, except as provided in subsection (d) of this section, the Federal share payable on account of such project shall be that provided in section 120 of this title.

"(d) No project authorized by this section shall be approved unless—

"(1) such project (A) will avoid the construction of a highway project under this title which increases automobile traffic capacity, (B) will provide a capacity for the movement of persons at least equal to that which would be provided by the avoided highway project, and (C) will not exceed in the amount of the Federal share, the Federal share of the cost of the avoided highway project; or

"(2) no other feasible or prudent highway project can provide the additional capacity for the movement of persons by motor vehicles on highways (other than on rails) provided by this project.

"(e) No project authorized by this section shall be approved unless the Secretary of Transportation has received assurances satisfactory to him from the State that public mass transportation systems will have adequate capability to fully utilize the proposed project."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"142. Urban highway public transportation."

VIRGIN ISLANDS HIGHWAY PROGRAM

SEC. 112. (a) Chapter 2 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 215. Virgin Islands highway program

"(a) Recognizing the mutual benefits that will accrue to the Virgin Islands and to the United States from the improvement of highways in the Virgin Islands, the Secretary is authorized out of funds specifically authorized to carry out this section to assist the Virgin Islands in a program for the construction and improvement of a system of arterial highways designated by the Governor of the Virgin Islands and approved by the Secretary. No Federal financial assistance shall be granted under this subsection unless the Virgin Islands, at a minimum, matches the Federal contribution.

"(b) In order to establish a long-range highway development program, the Secretary is authorized to provide technical assistance to the Virgin Islands for the establishment of an appropriate governmental agency of the Virgin Islands to administer on a continuing basis highway planning, design, construction, and maintenance operations, the development of a system of arterial and collector highways, and the establishment of advance acquisition of right-of-way and relocation assistance programs.

"(c) No part of the appropriations authorized under this section shall be available for obligation or expenditure in the Virgin Islands until the Governor of the Virgin Islands enters into an agreement with the Secretary providing that the government of the Virgin Islands (1) will design and construct a system of arterial and collector highways, built in accordance with highway standards approved by the Secretary; (2) will not impose any highway toll, or permit any such toll to be charged, for use by vehicles or persons on any portion of the highways constructed under the provisions of this section; (3) will provide for the maintenance of such highways after completion in a condition to adequately serve the needs of present and future traffic; (4) will implement standards for traffic operations and uniform traffic control devices which are approved by the Secretary.

"(d) (1) Three per centum of the sums authorized to be appropriated for each fiscal year for carrying out subsection (a) of this section shall be available for expenditure by the Virgin Islands only for engineering and economic surveys and investigations, for the planning of future highway programs and the financing thereof, for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof, and for research and development, necessary in connection with the planning, design, and maintenance of the highway system, and the regulation and taxation of their use.

"(2) In addition to the percentage provided in paragraph (1) of this subsection, not to exceed 2 per centum of sums authorized to be appropriated for each fiscal year for carrying out subsection (a) of this section may be expended upon request of the Virgin Islands and with the approval of the Secretary for the purposes enumerated in paragraph (1) of this subsection.

"(e) None of the funds authorized to be appropriated for carrying out this section shall be obligated or expended in the Virgin Islands for maintenance of the highway system.

"(f) The provisions of chapters 1 and 5 of this title that are applicable to Federal-aid primary highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section."

(b) The analysis of chapter 2 of title 23, United States Code, is amended by adding at the end thereof the following:

"215. Virgin Islands highway program."

(c) There are hereby authorized to be appropriated for carrying out subsection (a) of section 215 of title 23, United States Code, out of any money in the Treasury not otherwise appropriated, not to exceed $2,000,000 for the fiscal year ending June 30, 1971, not to exceed $2,000,000 for the fiscal year ending June 30, 1972, not to exceed $2,000,000 for the fiscal year ending June 30, 1973.

(d) Sums authorized to be appropriated to carry out this section for the fiscal year ending June 30, 1971, shall be available for obligation immediately upon enactment of this section in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code. Sums authorized to be appropriated for the fiscal year ending June 30, 1972, and the fiscal year ending June 30, 1973, shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

DARIEN GAP HIGHWAY

SEC. 113. (a) Chapter 2 of title 23, United States Code, is further amended by adding at the end thereof the following new section:

"§ 216. Darien Gap Highway

"(a) The United States shall cooperate with the Government of the Republic of Panama and with the Government of Colombia in the construction of approximately two hundred and fifty miles of highway in such countries in the location known as the 'Darien Gap' to connect the Inter-American Highway authorized by section 212 of this title with the Pan American Highway System of South America. Such highway shall be known as the 'Darien Gap Highway.' Funds authorized by this section shall be obligated and expended subject to the same terms, conditions, and requirements with respect to the Darien Gap Highway as are funds authorized for the Inter-American Highway by subsection (a) of section 212 of this title.

"(b) The construction authorized by this section shall be under the administration of the Secretary, who shall consult with the appropriate officials of the Department of State with respect to matters involving the foreign relations of this Government, and such negotiations with the Governments of the Republic of Panama and Colombia as may be required to carry out the purposes of this section shall be conducted through, or authorized by, the Department of State.

"(c) The provisions of this section shall not create nor authorize the creation of any obligations on the part of the Government of the United States with respect to any expenditures for highway survey or construction heretofore or hereafter undertaken in Panama or Colombia, other than the expenditures authorized by the provision of this section.

"(d) Appropriations made pursuant to any authorization for the Darien Gap Highway shall be available for expenditure by the Secretary for necessary administrative and engineering expenses in connection with the Darien Gap Highway program.

"(e) For the purposes of this section the term 'construction' does not include any costs of rights-of-way, relocation assistance, or the elimination of hazards of railway grade crossings."

(b) The analysis of chapter 2 of title 23, United States Code, is hereby amended by adding at the end thereof the following:

"216. Darien Gap Highway."

(c) There is hereby authorized to be appropriated not to exceed $100,000,000, to remain available until expended to enable the Secretary of Transportation to carry out section 216 of title 23, United States Code.

ADMINISTRATION

SEC. 114. (a) Subsection (a) of section 303 of title 23, United States Code, is amended to read as follows:

"(a)(1) In addition to the Administrator of the Federal Highway Administration authorized by section 3(e) of the Department of Transportation Act, there shall be a Deputy Federal Highway Administrator appointed by the President by and with the advice and consent of the Senate. The Deputy Federal Highway Administrator shall perform such duties as the Federal Highway Administrator shall prescribe. There shall also be an Assistant Federal Highway Administrator who shall be the chief engineer of the Administration and shall be appointed, with the approval of the President, by the Secretary of Transportation under the classified civil service and who shall perform such functions, powers, and duties as the Federal Highway Administrator shall prescribe.

"(2) The Administrator of the Federal Highway Administration shall be compensated at the annual rate of basic pay of level II of the Executive Schedule in section 5313 of title 5, United States Code. The Deputy Federal Highway Administrator shall be compensated at the annual rate of basic pay of level IV of the Executive Schedule in section 5315 of title 5, United States Code. The Assistant Federal Highway Administrator shall be compensated at the annual rate of basic pay of level V of the Executive Schedule in section 5316 of title 5, United States Code."

(b) All provisions of law enacted before the date of enactment of this Act which are inconsistent with the amendment made by subsection (a) of this section are hereby repealed to the extent of such inconsistency.

(c) The President may authorize any person who immediately before the date of enactment of this Act held the office of Director of Public Roads to act as Deputy Administrator of the Federal Highway Administration created by the amendment made by subsection (a) of this section until the first Deputy Administrator is appointed in accordance with such amendment. The President may authorize any person acting as Deputy Administrator in accordance with this subsection to receive compensation at the rate authorized for the Office of Deputy Administrator. Such compensation, if authorized, shall be in lieu of, and not in addition to, any other compensation from the United States to which such person may be entitled.

TRAINING AND RESEARCH FELLOWSHIPS

SEC. 115. (a) Chapter 3 of title 23 of the United States Code is amended by adding at the end thereof the following new section:

"§ 321. National Highway Institute

"(a) The Secretary is authorized and directed to establish and operate in the Federal Highway Administration a National Highway Institute hereafter referred to as the 'Institute'. The Institute shall develop and administer, in cooperation with the State highway departments, training programs of instruction for Federal Highway Administration and State and local highway department employees engaged or to be engaged in Federal-aid highway work. Such programs may include, but not be limited to, courses in modern developments, techniques, and procedures, relating to highway planning, environmental factors, acquisition of rights-of-way, engineering, construction, maintenance, contract administration, and inspection. The Secretary shall administer all authority vested in him by this title or by any other provision of law for the development and conduct of educational and training programs relating to highways through the Institute. The Secretary is authorized to acquire, by lease, purchase, construction, reconstruction, or otherwise such buildings, facilities, and equipment as may be necessary for the Institute. Sums authorized to be deducted for administrative purposes by subsection (a) of section 104 of this title shall be available for carrying out this subsection.

"(b) Not to exceed one-half of 1 per centum of all funds apportioned for any fiscal year beginning after June 30, 1970, to any State under paragraphs (1), (2), (3), and (6) of section 104(b) of this title shall be available for expenditure by the State highway department, subject to approval by the Secretary, for payment of not to exceed 70 per centum of the cost of tuition and direct educational expenses (but not travel, subsistence, or salaries) in connection with the education and training of State and local highway department employees as provided in this section.

"(c) Education and training of Federal, State, and local highway employees authorized by this section may be provided by the Secretary, or, in the case where such education and training is to be paid for under subsection (b) of this section, by the State, subject to the approval of the Secretary, through grants and contracts with public and private agencies, institutions, and individuals."

(b) The analysis of chapter 3 of title 23 of the United States Code is amended by adding at the end thereof:

"321. National Highway Institute."

(c) Section 307(a) of title 23 of the United States Code is amended by inserting immediately after the period at the end of the third sentence thereof the following new sentence: "The Secretary is also authorized, acting independently or in cooperation with other Federal departments, agencies, or instrumentalities, to make grants for research fellowships for any purpose for which research is otherwise authorized by this section."

BRIDGES ON FEDERAL DAMS

SEC. 116. (a) Section 320(d) of title 23 of the United States Code is amended by striking out "$13,000,000" and inserting in lieu thereof "$16,761,000".

(b) All sums appropriated under authority of the increased authorization of $3,761,000 established by the amendment made by subsection (a) of this section shall be available for expenditure only in connection with the construction of a bridge across Markland Dam on the Ohio River near Markland, Indiana, and Warsaw, Kentucky. No such sums shall be appropriated until all applicable requirements of section 320 of title 23 of the United States Code have been complied with by the appropriate Federal agency, the Secretary of Transportation, and the States of Kentucky and Indiana.

CONSTRUCTION OF REPLACEMENT HOUSING

SEC. 117. (a) Sections 510 and 511 of title 23, United States Code including all references thereto are hereby renumbered as sections 511 and 512 respectively.

(b) Chapter 5 of title 23, United States Code, is amended by inserting immediately after section 509 the following new section:

"§510. Construction of replacement housing

"(a) The Secretary may approve as a part of the cost of construction of any project on any Federal-aid system the cost of (A) constructing new housing, (B) acquiring existing housing, (C) rehabilitating existing housing, and (D) relocating existing housing, as replacement housing for individuals and families where a proposed project on the Federal-aid system cannot proceed to actual construction because replacement housing is not available and cannot otherwise be made available as required by section 502 of this title. For the purposes of this subsection the term 'housing' includes all appurtenances thereto.

"(b) State highway departments shall, wherever practicable, utilize the services of State or local governmental housing agencies in carrying out this section."

(c) The analysis of chapter 5 of title 28, United States Code, is amended by adding after

"509. Relocation assistance programs on Federal highway projects."

the following:

"510. Construction of replacement housing."

(d) The definition of the term "construction" in section 101(a) of title 23, United States Code, is amended to read as follows:

"The term 'construction' means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the Coast and Geodetic Survey in the Department of Commerce), acquisition of rights-of-way, relocation assistance, elimination of hazards of railway grade crossings, acquisition of replacement housing sites, and acquisition, and rehabilitation, relocation, and construction of replacement housing."

BRIDGE ALTERATION PROGRESS PAYMENTS

SEC. 118. Section 7 of the Act of June 21, 1940 (54 Stat. 497), as amended (33 U.S.C. 517) is amended as follows:

(1) In the first sentence strike all after "Following" to and including "Chief of Engineers" and insert in lieu thereof "service of the order requiring alteration of the bridge, the Secretary of Transportation".

(2) In the second sentence insert "of Transportation" between "Secretary" and "may".

(3) In the third sentence strike out the last word and insert in lieu thereof "Transportation".

ALASKA HIGHWAY

SEC. 119. (a) The President, acting through the Secretaries of State and Transportation, is authorized to undertake negotiations with the Government of Canada for the purpose of entering into a suitable agreement authorizing paving and reconstructing the Alaska Highway from Dawson Creek, Canada (including a connecting highway to Haines, Alaska), to the Alaska border, including, but not limited to, necessary highway realinement.

(b) The President shall report to Congress not later than one year after the date of enactment of this section the results of his negotiations under this section.

EFFECTIVE DATE OF RELOCATION PROVISIONS

SEC. 120. Section 37 of the Federal-Aid Highway Act of 1968 is amended to read as follows:

"EFFECTIVE DATE

"SEC. 37. (a) Except as otherwise provided in subsection (b) of this section, this Act and the amendments made by this Act shall take effect on the date of its enactment, except that until July 1, 1970, sections 502, 505, 506, 507, and 508 of title 23, United States Code, as added by this Act, shall be applicable to a State only to the extent that such State is able under its laws to comply with such sections. Except as otherwise provided in subsection (b) of this section, after July 1, 1970, such sections shall be completely applicable to all States. Section 133 of title 23, United States Code, shall not apply to any State if sections 502, 505, 506, 507, and 508 of title 23, United States Code, are applicable in that State, and effective July 1, 1970, such section 133 is repealed, except as otherwise provided in subsection (b) of this section.

"(b) In the case of any State (1) which is required to amend its constitution to comply with sections 502, 505, 506, 507, and 508 of title 23, United States Code, and (2) which cannot submit the required constitutional amendment for ratification prior to July 1, 1970, the date of July 1, 1970, contained in subsection (a) of this section shall be extended to July 1, 1972."

FUTURE FEDERAL-AID HIGHWAY PROGRAM

SEC. 121. (a) The Secretary of Transportation shall develop and include in the report to Congress required to be submitted in January 1972, by section 3 of the Act of August 28, 1965 (79 Stat. 578; Public Law 89–139), specific recommendations for the functional realinement of the Federal-aid systems. These recommendations shall be based on the functional classification study made in cooperation with the State highway departments and local governments as required by the Federal-Aid Highway Act of 1968 and submitted to the Congress in 1970, and the functional classification study now underway of the Federal-aid systems in 1990.

(b) As a part of the future highway needs report to be submitted to Congress in January 1972, the Secretary shall also make recommendations to the Congress for a continuing Federal-aid highway program for the period 1976 to 1990. The needs estimates to be used in developing such programs shall be in conformance with the functional classification studies referred to in subsection (a) of this section and the recommendations for the functional realinement required by such subsection.

(c) The recommendations required by subsections (a) and (b) of this section shall be determined on the basis of studies now being conducted by the Secretary in cooperation with the State highway departments and local governments, and, in urban areas of more than fifty thousand population, utilizing the cooperative continuing comprehensive transportation planning process conducted in accordance with section 134 of title 23, United States Code. The highway needs estimates prepared by the States in connection with this report to Congress shall be submitted to Congress by the Secretary, together with his recommendations.

(d) As a part of the future highway needs report to be submitted to Congress in January 1972, the Secretary shall report to Congress the Federal-aid urban system as designated, and the cost of its construction.

HIGHWAY BEAUTIFICATION AUTHORIZATIONS

SEC. 122. (a) Section 131(m) of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for the fiscal year ending June 30, 1966, not to exceed $20,000,000 for the fiscal year ending June 30, 1967, not to exceed $2,000,000 for the fiscal year ending June 30, 1970, not to exceed $27,000,000 for the fiscal year ending June 30, 1971, and not to exceed $20,500,000 for the fiscal year ending June 30, 1972. The provisions of this chapter relating to the obligation, period of availability and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

(b) Section 136(m) of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for the fiscal year ending June 30, 1966, not to exceed $20,000,000 for the fiscal year ending June 30, 1967, not to exceed $3,000,000 for the fiscal year ending June 30, 1970, not to exceed $2,000,000 for the fiscal year ending June 30, 1971, and not to exceed $2,000,000 for the fiscal year ending June 30, 1972. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

(c) Subsection (g) of section 6 of the Federal-Aid Highway Act of 1968 is amended by striking out "and" immediately before "$1,250,000" and by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "$1,500,000 for the fiscal year ending June 30, 1971, and $1,500,000 for the fiscal year ending June 30, 1972."

HIGHWAY BEAUTIFICATION COMMISSION

SEC. 123. (a) There is hereby established a commission to be known as the Commission on Highway Beautification, hereinafter referred to as the "Commission".

(b) The Commission shall be comprised of thirteen members as follows:

(1) two majority and two minority members of the Senate Committee on Public Works to be appointed by the President of the Senate;

(2) two majority and two minority members of the House Committee on Public Works to be appointed by the Speaker of the House of Representatives;

(3) four persons to be appointed by the President of the United States from among persons who are not officers or employees of the United States; and

(4) one person, elected by majority vote of the other twelve, who shall be the Chairman of the Commission.

(c) Any vacancy which may occur on the Commission shall not affect its powers or functions but shall be filled in the same manner in which the original appointment was made.

(d) The organization meeting of the Commission shall be held at such time and place as may be specified in a call issued jointly by the senior member appointed by the President of the Senate and the senior member appointed by the Speaker of the House of Representatives.

(e) Seven members of the Commission shall constitute a quorum, but a smaller number, as determined by the Commission, may conduct hearings.

(f) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(g) Members of the Commission who are not Members of Congress or officers or employees in the executive branch shall each receive $100 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

(h) The Commission shall (1) study existing statutes and regulations governing the control of outdoor advertising and junkyards in areas adjacent to the Federal-aid highway system; (2) review the policies and practices of the Federal and State agencies charged with administrative jurisdiction over such

highways insofar as such policies and practices relate to governing the control of outdoor advertising and junkyards; (3) compile data necessary to understand and determine the requirements for such control which may now exist or are likely to exist within the foreseeable future, and (4) recommend such modifications or additions to existing laws, regulations, policies, practices, and demonstration programs as will, in the judgment of the Commission, best serve the public interest.

(i) The Commission shall, not later than one year after enactment of this section submit to the President and the Congress its final report. It shall cease to exist six months after submission of said report. All records and papers of the Commission shall thereupon be delivered to the Administrator of General Services for deposit in the Archives of the United States.

(j) The Chairman of the Commission shall request the head of each Federal department or independent agency which has an interest in or responsibility with respect to the control of outdoor advertising and of junkyards to appoint, and the head of such department or agency shall appoint, a liaison officer who shall work closely with the Commission and its staff in matters pertaining to this section.

(k) In carrying out its duties the Commission shall seek the advice of various groups interested in the problems relating to the control of outdoor advertising and junkyards including, but not limited to, State and local governments, public and private organizations working in the fields of environmental protection and conservation, communications media, commercial advertising interests, industry, education, and labor.

(l) The Commission or, on authorization of the Commission, any committee of two or more members may, for the purpose of carrying out the provisions of this section, hold such hearings and sit and act at such times and places as the Commission or such authorized committee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued only on the authority of the Commission and shall be served by anyone designated by the Chairman of the Commission.

(m) The Commission is authorized to secure from any department, agency, or individual instrumentality of the executive branch of the Government any information it deems necessary to carry out its functions under this section and each such department, agency, and instrumentality is authorized and directed to furnish such information to the Commission upon request made by the Chairman.

(n) There are hereby authorized to be appropriated such sums, but not more than $800,000, as may be necessary to carry out the provisions of this section and such moneys as may be appropriated shall be available to the Commission until expended.

(o) The Commission is authorized to appoint and fix the compensation of a staff director, and such additional personnel as may be necessary to enable it to carry out its functions. The Director and personnel may be appointed without regard to provisions of title 5, United States Code, covering appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Any Federal employees subject to the civil service laws and regulations who may be employed by the Commission shall retain civil service status without interruption or loss of status or privilege. In no event shall the staff director or any other employee receive as compensation an amount in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code. In addition, the Commission is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed $100 per diem for individuals.

(p) The Commission is authorized to enter into contracts or agreements for studies and surveys with public and private organizations and, if necessary, to transfer funds to Federal agencies from sums appropriated pursuant to this section to carry out such of its duties as the Commission determines can best be carried out in that manner.

ELIMINATION OF SEGMENTS OF INTERSTATE SYSTEM NOT TO BE CONSTRUCTED

SEC. 124. Section 103 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) The Secretary, on December 31, 1973, shall remove from designation as a part of the Interstate System every segment of such System for which a State has not established a schedule for the expenditure of funds for completion of construction of such segment within the period of availability of funds authorized to be appropriated for completion of the Interstate System, and with respect to which the State has not provided the Secretary with assurances satisfactory to him that such schedule will be met. Nothing in the preceding sentence shall be construed to prohibit the substitution prior to December 31, 1973, of alternative segments of the Interstate System which will meet the requirements of this title."

URBAN AREA TRAFFIC OPERATIONS IMPROVEMENT PROGRAMS

SEC. 125. Subsection (b) of section 135 of title 23, United States Code, is amended by striking out ", if such project" and all that follows down through and including the period at the end of such subsection and inserting in lieu thereof a period and the following: If such project is located in an urban area of more than fifty thousand population, such project shall be based on a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title."

AUTHORITY FOR DEMONSTRATION PROJECTS

SEC. 126. Subsection (c)(3) of section 307 of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "including demonstration projects in connection with such purposes."

ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS

SEC. 127. (a) Chapter 1 of title 23, United States Code, is further amended by adding after section 142 thereof a new section as follows:

"§ 143. Economic growth center development highways

"(a) In order to demonstrate the role the highways can play to promote the desirable development of the Nation's natural resources, to revitalize and diversify the economy of rural areas and smaller communities, to enhance and disperse industrial growth, to encourage more balanced population patterns, to check, and, where possible, to reverse current migratory trends from rural areas and smaller communities, and to improve living conditions and the quality of the environment, the Secretary is authorized to make grants for demonstration projects for the construction, reconstruction, and improvement of development highways to serve and promote the development of economic growth centers, and surrounding areas, and for planning, surveys, and investigations in connection therewith.

"(b) Each Governor may transmit to the Secretary his recommendations for (1) the selection of economic growth centers within the State, (2) priorities for the construction of development highways to serve such centers, and (3) such other information as may be required by the Secretary, for his consideration in approving the selection of economic growth centers for demonstration projects.

"(c) Upon the application of the State highway department of any State in which an economic growth center approved by the Secretary as eligible for a demonstration project is located, the Secretary is authorized, to pay up to 100 per centum of the cost of engineering and economic surveys or other investigations necessary for the planning and design of development highways needed to provide appropriate access to such growth center, including airport facilities which may be established to serve it, in order to carry out the purposes of this section.

"(d) Except as otherwise provided in this section, all of the provisions of this title applicable to Federal-aid primary highways except those which the Secretary determines are inconsistent with this section shall apply to development highways and to funds authorized to carry out this section. For the purposes of sections 105, 106, and 118 of this title, funds authorized to carry out this section shall be deemed to be apportioned on January 1 next preceding the commencement of the fiscal year for which authorized. In approving projects under this section, the Secretary shall give preference to those areas offering the most potential for future economic growth. No State shall receive in any fiscal year more than 15 per centum of the funds authorized to carry out this section for such fiscal year. Each development highway which is not already on a Federal-aid system shall be added to the appropriate system.

"(e) The Federal share of the cost of any project for construction, reconstruction, or improvement of a development highway under this section shall not exceed 70 per centum of the cost of such project.

"(f) No project shall be approved by the Secretary under this section until he has determined that such project will promote the aims and purposes set forth in subsection (a) of this section and that the economic growth center to be benefited will meet such criteria as he deems necessary, including, but not limited to, the following: (1) growth centers shall be geographically and economically capable of contributing significantly to the development of the area, and (2) growth centers shall have a population not in excess of one hundred thousand according to the latest available Federal census.

"(g) There is authorized to be appropriated out of the Highway Trust Fund not to exceed $100,000,000 for the fiscal year ending June 30, 1972, and not to exceed $100,000,000 for the fiscal year ending June 30, 1973."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"143. Economic growth center development highways."

FEDERAL SHARE OF ENGINEERING COSTS

SEC. 128. Section 120 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) At the request of any State, the Secretary may from time to time enter into agreements with such State to reimburse the State for the Federal share of the costs of preliminary and construction engineering at an agreed percentage of actual construction costs for each project, in lieu of the actual engineering costs for such project. The Secretary shall annually review each such agreement to insure that such percentage reasonably represents the engineering costs actually incurred by such State."

DISTRICT OF COLUMBIA

SEC. 129. (a) In the case of those routes on the Interstate System in the District of Columbia authorized for construction by subsection (a) of section 23 of the Federal-Aid Highway Act of 1968 and required to be restudied by subsection (c) of such section, the government of the District of Columbia shall commence work not later than thirty days after the date of enactment of this Act on the following projects as authorized in subsection (a) of such section 23:

(1) East Leg of the Inner Loop, beginning at Bladensburg Road, I-295 (section C4.1 to C6),

(2) North Central and Northeast Freeways, I-95 (section C7 to C13) and I-70S (section C1 to C2).

(b) The authorization for the project for the South Leg of the Inner Loop contained in section 23 of the Federal-Aid Highway Act of 1968 is hereby repealed and the route of the South Leg project is hereby removed from designation as a part of the Interstate System. Such removal shall be deemed to be a withdrawal from approval for the purposes of section 103(d)(2) of title 23, United States Code.

(c) The government of the District of Columbia and the Secretary of Transportation shall study the project for the North Leg of the Inner Loop from point A3.3 on I-66 to point C7 on I-95, as designated in the "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia", and shall report to Congress not later than 12 months after the date of enactment of this subsection their recommendations with respect to such project including any recommended alternative routes or plans.

TOLL ROADS

SEC. 130. Subsection (b) of section 129 of title 23, United States Code, is amended by inserting "(1)" immediately after "(b)" and by adding at the end thereof the following:

"(2) It is the sense of Congress that (A) with respect to a toll road on the Interstate System any vehicle using such road should not be required to stop more than twice for the purpose of collection of tolls in connection with any one continuous intrastate trip on such highway and (B) with respect to toll roads on the Interstate System which connect at State boundaries that such States should enter into such agreements as may be necessary to provide for common facilities for the collection of tolls at or in the vicinity of such boundary connection in order that vehicles using such roads will be required to make but one stop at such connection for the collection of tolls."

INDIAN RESERVATION ROADS AND BRIDGES

SEC. 131. The definition of the term "Indian reservation roads and bridges" in section 101(a) of title 23, United States Code, is amended to read as follows:

"The term 'Indian reservation roads and bridges' means roads and bridges that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government on which Indians reside whom the Secretary of the Interior has determined to be eligible for services generally available to Indians under Federal laws specifically applicable to Indians."

RICHMOND-PETERSBURG TURNPIKE

SEC. 132. The Secretary of Transportation is authorized to amend any agreement heretofore entered into under the provisions of section 129(d) of title 23, United States Code, in order to permit the continuation of tolls on the existing Richmond-Petersburg Turnpike to finance the construction within the existing termini of such turnpike of two lanes thereon in addition to the lanes in existence on the date of enactment of this section necessary to meet traffic and highway safety requirements. Any amended agreement entered into for such purposes shall provide assurances that the existing turnpike (including the additional lanes) shall become free to the public upon the collection of tolls sufficient to liquidate all constructon costs, and the costs of maintenance, operation, and debt service during the period of toll collections to liquidate construction costs, but in no event shall tolls be collected after date of maturity of those bonds outstanding on the date of enactment of this section issued for construction of such turnpike having the latest maturity date.

AIRPORT ACCESS

SEC. 133. Section 105 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) In preparing programs to submit in accordance with subsection (a) of this section, the State highway departments shall give consideration to projects providing direct and convenient public access to public airports, and in approving such programs the Secretary shall give consideration to such projects."

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Highway Safety Act of 1970".

HIGHWAY SAFETY

SEC. 202. (a) Section 201 of the Highway Safety Act of 1966 (80 Stat. 735) is amended to read as follows:

"SEC. 201. (a) There is hereby established within the Department of Transportation a National Highway Traffic Safety Administration (hereafter in this section referred to as the 'Administration'). The Administration shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the annual rate of basic pay of level III of the Executive Schedule in section 5314 of title 5, United States Code. There shall be a Deputy Administratior of the National Highway Traffic Safety Administration who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the annual rate of basic pay of level V of the Executive Schedule in section 5316 of title 5, United States Code. The Administrator shall perform such duties as are delegated to him by the Secretary. On highway matters the Administrator shall consult with the Federal Highway Administrator.

"(b)(1) The Secretary shall carry out through the Federal Highway Administration those provisions of the Highway Safety Act of 1966 (including chapter 4 of title 23, United States Code) for highway safety programs, research, and development relating to uniform standards which the Secretary is authorized to promulgate pertaining to highway design, construction and maintenance, traffic control devices, identification and surveillance of accident locations, and highway-related aspects of pedestrian safety.

"(2) The Secretary shall carry out, through the Administration, those provisions of such Act (including chapter 4 of title 23, United States Code) for highway safety programs, research and development relating to all other uniform standards which the Secretary is authorized to promulgate.

"(c) The Secretary is authorized to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 718) through the Administration and Administrator authorized by this section.

"(d) All provisions of law enacted before the date of enactment of the Highway Safety Act of 1970 which are inconsistent with this section as amended by such Act of 1970 are hereby repealed to the extent of such inconsistency."

(b) The President may authorize any person who immediately before the date of enactment of this Act held the office of Director of the National Highway Safety Bureau to act as Administrator of the National Highway Traffic Safety Administration created by the amendment made by subsection (a) of this section until the first Administrator is appointed in accordance with such amendment. The President may authorize any person serving as Acting Administrator in accordance with this subsection to receive compensation at the rate authorized for the office of Administrator. Such compensation, if authorized, shall be in lieu of, and not in addition to, any other compensation from the United States to which such person may be entitled.

(c) Subsection (c) of section 402 of title 23, United States Code, is amended by striking out beginning in the second sentence thereof "as Congress, by law enacted hereafter," and all that follows down through and including the period at the end of the third sentence thereof and inserting in lieu thereof the following: "75 per centum in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 25 per centum in the ratio which the public road mileage in each State bears to the total public road mileage in all States. For the purposes of this subsection, a 'public road' means any road under the jurisdiction of and maintained by a public authority and open to public travel."

(d) The first sentence of subsection (d) of section 402 of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof a common and the following: "and except that the aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section without regard to whether such expenditures were actually made in connection with such project."

(e) Section 402 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) Except in the case of those State safety program elements with respect to which uniform standards have been promulgated by the Secretary before December 31, 1970, the Secretary shall not promulgate any other uniform safety standards under this section unless specifically authorized to do so by a statute enacted after the date of enactment of this subsection."

(f) The following sums are hereby authorized to be appropriated:

(1) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the National Highway Traffic Safety Administration, $75,000,000 for the fiscal year ending June 30, 1972, and $100,000,000 for the fiscal year ending June 3, 1973.

(2) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the Federal Highway Administration, for each of the fiscal years ending June 30, 1972, and June 30, 1973, out of the Highway Trust Fund for projects, or portions of projects, pertaining to the Federal-aid systems, $15,000,000, and out of any money in the Treasury not otherwise appropriated, $15,000,000.

(3) For carrying out section 403 of title 23, United States Code (relating to highway safety research and development), by the National Highway Traffic Safety Admin-

istration, $30,000,000 for the fiscal year ending June 30, 1972, and $45,000,000 for fiscal year ending June 30, 1973.

(4) For carrying out section 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), by the Federal Highway Administration, $10,000,000 for the fiscal year ending June 30, 1972, and $10,000,000 for the fiscal year ending June 30, 1973.

(5) Paragraph (10) of section 5 of the Federal-Aid Highway Act of 1968 (relating to authorizations for carrying out section 402 of title 23, United States Code), is hereby repealed.

DEMONSTRATION PROJECTS

SEC. 203. Section 403 of title 23, United States Code, is amended by inserting "(a)" immediately before the first sentence thereof, and by striking out "this section" each place it appears and inserting in lieu thereof at each such place "this subsection" and by adding at the end thereof the following new subsection:

"(b) In addition to demonstration projects authorized by subsection (a) of this section, in order to demonstrate methods for increasing the safety of travel on the Federal-aid systems, the Secretary, in cooperation with the Governors of the affected States, shall undertake (1) demonstration projects for alcohol safety action programs including related multidisciplinary crash investigation teams, and (2) demonstration projects relating to enforcement of motor vehicle and traffic laws. Not more than one demonstration project under each of the preceding clauses shall be undertaken in any one State and all such projects shall be completed by June 30, 1974. The Secretary not later than June 30, of the years 1971, 1972, and 1973, shall submit to Congress a progress report on such projects, including his recommendations with respect thereto, and not later than July 31, 1974, the final report on such projects, including his recommendations with respect thereto. There is authorized to be appropriated for the four fiscal year period ending June 30, 1974, out of the Highway Trust Fund to carry out alcohol safety action programs under clause (1) of this subsection not to exceed $171,600,000, for multidisciplinary crash investigation teams under such clause (1) not to exceed $35,200,000, and to carry out enforcement projects under clause (2) of this subsection not to exceed $75,000,000."

HIGHWAY SAFETY PROGRAMS

SEC. 204. (a) Section 402(b)(1)(A) of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "through a State highway safety agency which shall have adequate powers, and be suitably equipped and organized to carry out, to the satisfaction of the Secretary, such program."

(b) The amendment made by subsection (a) of this section shall take effect December 31, 1971.

PROJECTS FOR HIGH HAZARD LOCATIONS

SEC. 205. For the purposes of carrying out the provisions of title 23, United States Code, there is authorized to be appropriated out of the Highway Trust Fund for projects to eliminate or reduce the hazards to safety at specific locations where sections of highways on the Federal-aid primary or secondary systems or their extensions within urban areas which have high accident experiences or high accident potentials, $200,000,000 for the fiscal year ending June 30, 1972, and $200,000,000 for the fiscal year ending June 30, 1973. Amounts authorized by this section shall be apportioned to the States in the same manner as sums appropriated under paragraph (1) of section 105 of the Federal-Aid Highway Act of 1970, shall not be subject to sections 104(f) and 142(a) of title 23, United States Code, and shall be expended by such State only for projects under this section.

BRIDGE RECONSTRUCTION AND REPLACEMENT

SEC. 206. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 144. Bridge reconstruction and replacement

"(a) To encourage and assist the States in eliminating the hazards of unsafe bridges, not more than 10 per centum, and not less than 5 per centum (unless the Secretary determines that 5 per centum exceeds the needs of the State), of all the sums apportioned in accordance with paragraphs (1), (2), and (3) of subsection (b) of section 104 of this title for the fiscal year 1972 and for each subsequent fiscal year shall be used to pay the Federal share of the costs of projects for the reconstruction or replacement of bridges that cross waterways and are on either the Federal-aid primary system or the Federal-aid secondary system. Such sums shall be available for expenditure without regard to the system for which apportioned.

"(b) The Secretary shall approve projects under this section only for bridges that are unsafe because of structural deficiencies, physical deterioration, or functional obsolescence. Each State shall establish a list of bridges to be reconstructed and replaced under this section in order of priority of need, taking into consideration the critical nature of the safety hazards involved, types and volumes of traffic, national defense requirements, alternate routes and detours, impact upon the economy and the effects upon adjoining States.

"(c) Notwithstanding any other provisions of law the General Bridge Act of 1946 (33 U.S.C. 525–533) shall apply to bridges authorized to be reconstructed and bridges constructed to replace unsafe bridges under this section.

"(d) The Secretary shall report annually to the Congress on projects approved under this section together with his recommendations for the reconstruction and replacement of bridges."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"144. Bridge reconstruction and replacement."

(c) Section 120 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(i) The Federal share payable on account of any project for the reconstruction or replacement of a bridge under section 144 of this title shall not exceed the percentage payable under subsection (a) of this section or 90 per centum of the cost of construction of such project, whichever is the larger."

ELIMINATION OF RAILWAY-HIGHWAY GRADE HAZARDS

SEC. 207. Subsection (d) of section 120 of title 23, United States Code, is amended by substituting a comma for the period at the end thereof and adding thereafter the following: "and that not less than 5 per centum of all sums apportioned to each State in accordance with paragraphs (1), (2), and (3) of subsection (b) of section 104 of this title for fiscal year 1972 and each subsequent fiscal year shall be used by such State under this subsection, unless the Secretary determines that a lesser percentage will meet the needs of the State."

RAIL CROSSINGS

SEC. 208. (a) Chapter 3 of title 23, United States Code, is further amended by adding after section 321 the following new section:

"§ 322. Demonstration project—rail crossings

"(a) The Secretary shall carry out a demonstration project for the elimination of all public ground-level rail-highway crossings along the route of the high-speed ground transportation demonstration projects between Washington, District of Columbia, and Boston, Massachusetts, conducted under authority of the Act entitled 'An Act to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation, and for other purposes', approved September 30, 1965 (49 U.S.C. 1631 et seq.).

"(b) The Secretary shall carry out a demonstration project for the elimination or protection of certain public ground-level rail-highway crossings in, or in the vicinty of, Greenwood, South Carolina.

"(c)(1) If the highway involved is on any Federal-aid system, the Federal share of the cost of such work shall be 90 per centum and the railroad's share of such cost shall be 10 per centum.

"(2) If the highway involved is not on any Federal-aid system, the Federal share of the cost of such work shall be 80 per centum and the railroad's share of such cost shall be 10 per centum and the remaining 10 per centum of such cost shall be paid by the State in which such crossing is located.

"(d) Before paying any part of the cost of the demonstration projects authorized by this section, the Secretary shall enter into such agreements with the States and railroads involved to insure that all non-Federal costs will be provided as required by this section.

"(e) The Secretary, in cooperation with State highway departments, shall conduct a full and complete investigation and study of the problem of providing increased highway safety at public and private ground-level rail-highway crossings on a nationwide basis through the elimination of such crossings or otherwise, including specifically high-speed rail operations in all parts of the country, and report to Congress his recommendations resulting from such investigation and study not later than July 1, 1972, including an estimate of the cost of such a program. Funds authorized to carry out section 307 of this title are authorized to be used to carry out the investigation and study required by this subsection.

"(f) There is authorized to be appropriated not to exceed $9,000,000 from the Highway Trust Fund to carry out paragraph (1) of subsection (c) of this section. There is authorized to be appropriated out of the general fund not to exceed $22,000,000 to carry out paragraph (2) of subsection (c) of this section."

(b) The analysis of chapter 3 of title 23, United States Code, is amended by adding at the end thereof:

"322. Demonstration project—rail crossings."

## TITLE III—EXTENSION OF HIGHWAY TRUST FUND AND CERTAIN RELATED PROVISIONS

SEC. 301. HIGHWAY TRUST FUND.

Subsections (c), (e), and (f) of section 209 of the Highway Revenue Act of 1956 (relating to the Highway Trust Fund; 23 U.S.C. 120 note) are amended—

(1) by striking out "1972" each place it appears and inserting in lieu thereof "1977"; and

(2) by striking out "1973" each place it appears and inserting in lieu thereof "1978".

SEC. 302. TRANSFER FROM LAND AND WATER CONSERVATION FUND.

Subsection (b) of section 201 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–11) is amended—

(1) by striking out "1972" and inserting in lieu thereof "1977"; and

(2) by striking out "1973" each place it appears and inserting in lieu thereof "1978".

SEC. 303. POSTPONEMENT OF CERTAIN EXCISE TAX REDUCTIONS.

(a) The following provisions of the Internal Revenue Code of 1954 are amended by

striking out "1972" each place it appears and inserting in lieu thereof "1977":

(1) Section 4041(c)(3) (relating to rate of tax on fuel for noncommercial aviation).

(2) Section 4041(e) (relating to rate reduction).

(3) Section 4061(a)(1) (relating to imposition of tax on trucks, buses, etc.).

(4) Section 4061(b)(1) (relating to imposition of tax on parts and accessories).

(5) Section 4071(d) (relating to imposition of tax on tires and tubes).

(6) Section 4081(b) (relating to imposition of tax on gasoline).

(7) Section 4481(a) (relating to imposition of tax on use of highway motor vehicles).

(8) Section 4481(e) (relating to period tax in effect).

(9) Section 4482(c)(4) (defining taxable period).

(10) Section 6156(e)(2) (relating to installment payments of tax on use of highway motor vehicles).

(11) Section 6421(h) (relating to tax on gasoline used for certain nonhighway purposes or by local transit systems).

(b) Section 6412(a)(2) of such Code (relating to floor stock refunds) is amended—

(1) by striking out "1972" each place it appears and inserting in lieu thereof "1977";

(2) by striking out "January 1, 1973" each place it appears and inserting in lieu thereof "January 1, 1978"; and

(3) by striking out "February 10, 1973" each place it appears and inserting in lieu thereof "March 31, 1978".

And amend the title so as to read: "An Act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes."

Mr. RANDOLPH. Mr. President, I move that the Senate disagree to the amendments of the House of Representatives and request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. RANDOLPH, Mr. JORDAN of North Carolina, Mr. MONTOYA, Mr. SPONG, Mr. COOPER, Mr. BOGGS, and Mr. BAKER conferees on the part of the Senate.

## WAR CLAIMS ACT AMENDMENTS—ORDER FOR H.R. 2669 TO REMAIN AT THE DESK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the bill (H.R. 2669) to amend section 213(a) of the War Claims Act of 1948, remain at the desk for the next 3 days.

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

## AMENDMENT OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1273, H.R. 18679.

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

The LEGISLATIVE CLERK. A bill (H.R. 18679) to amend the Atomic Energy Act of 1954, as amended, to eliminate the requirement for a finding of practical value, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. PASTORE. Mr. President, the bill we are considering today is identical to a bill that was reported unanimously by the Joint Committee on Atomic Energy, which bore the number S. 4141. This bill was reported by the 18-member Joint Committee on Atomic Energy without a single dissenting vote. It contains three features. Two of the features would bring up to date and revise the provisions of the Atomic Energy Act of 1954, as heretofore amended.

The third feature of the bill was intended to assure that the National Academy of Sciences and the National Council on Radiation Protection and Measurements would continue to be consulted, as presently required by subsection 274h of the Atomic Energy Act, in connection with radiation matters and the formulation of radiation standards—but not infrequently or from time to time, as heretofore, but on a continuing and comprehensive basis. This feature is contained in section 11, the concluding section of H.R. 18679.

Section 11, to which I have referred, Mr. President, was drafted before the President submitted to the Congress his Reorganization Plan No. 3, which proposed the creation of the Environmental Protection Agency. H.R. 18679 was reported out by the joint committee before the President's reorganization plan successfully cleared the Congress.

May we have order, Mr. President, so that we do not have to raise our voices?

The PRESIDING OFFICER. The Senate will be in order.

Mr. PASTORE. I have had several discussions concerning this section with my distinguished colleagues, Senator HART of Michigan, Senator MUSKIE of Maine, and Senator AIKEN of Vermont; and I might say at this juncture that Senator AIKEN was one of the master architects of the bill that is before us today.

In view of the establishment of the Environmental Protection Agency, and the presently governing statutes, including subsection 274h of the Atomic Energy Act, a question has arisen as to the necessity for section 11 at this time.

I have also had some discussion with Mr. BeLieu of the White House, who is very much interested in this particular section.

I want to make it abundantly clear that at no time was it the intention of the Joint Committee to interfere with the transfer of functions to the Environmental Protection Agency.

It has always been the concern of the Joint Committee on Atomic Energy in all of its dealings in atomic energy matters to consider public health and safety foremost. This continues to be the objective of the committee and will always be the objective of the committee as long as I am a member, and as long as its other distinguished members are associated with the committee—and beyond that its responsibilities under section 202 of the Atomic Energy Act, including the committee's responsibility in relation to the implementation of subsection 274h.

Everything considered, I am now going to move that section 11 be deleted from the bill—the entire section—and I send to the desk an amendment to accomplish that purpose.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 9, line 23, delete the following: The entire section 11 of the bill, from page 9, line 23, through page 14, line 15 inclusive.

Mr. PASTORE. Mr. President, I want to make it abundantly clear that, having removed this section—and this is agreeable to the Senator from Michigan (Mr. HART), the Senator from Maine (Mr. MUSKIE), the Senator from Vermont (Mr. AIKEN), and myself, and I have discussed it also with the chairman of the Joint Committee, Representative HOLIFIELD, who acquiesced in my judgment—our committee will look into the operation of the EPA relative to atomic energy. Other committees can look into it with respect to matters within their jurisdiction, and we think that the ecology of the country will be protected.

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

Mr. AIKEN. Mr. President, I might add that while I believe that this radiation section does not deserve the condemnation some people have placed on it, nevertheless, it is not necessary at this time. It can be considered next year, or other means to accomplish the same end can be taken up next year.

The other two sections of the bill are necessary, and it is very important that we get them through with the least possible delay. Therefore, I have agreed, in the interests of harmony and the early enactment of this bill, that we strike the provision relating to radiation, and proceed with the other parts, which are quite necessary, in my opinion.

Mr. PASTORE. I thank the Senator from Vermont. I think at this juncture, in view of what I have said, I ought to explain what section 11 actually did.

Senators must realize that at the time we were working on this bill—and this was unanimous on the part of the 18 members of the Joint Committee on Atomic Energy—the Environmental Protection Agency had not yet been established. As a matter of fact, Reorganization Plan No. 3 had only been submitted.

In view of that fact, all we could do was give the President the authority to assign the responsibility to enter into the arrangements to any agency he desired, and in all probability, of course, he would have selected the agency which is now the Environmental Protection Agency.

But section 11 went beyond that. It directed that any agency the President would designate should enter into a long-term contract with two preeminent scientific bodies, one of them being the National Academy of Sciences. Now, what is the National Academy of Sciences? It was created in 1863 by an act of Congress signed by Abraham Lincoln. It is a nonprofit organization, it does not pay taxes, and it consists of the leading scientists

of the country. Where else would we go to an impartial scientific verdict, and sound recommendations?

What were they supposed to do? They were supposed to—on a continuing and comprehensive basis—make studies of the biological effects of radiation on individuals in our society and on the ecology. That is essentially all it amounted to.

We also named the National Council on Radiation Protection and Measurements. And who are they? They were first established in 1929, and are, again, nonprofit, do not pay taxes, have no ax to grind, and are an impartial body of the best scientific minds in the country that could give proper scientific advice and recommendations to the Agency.

These scientific bodies are going to do that anyway—and they are doing it now; but in view of the fact that the Agency was established after this bill was reported out, and is just coming into being, I believe the best procedure would be to eliminate this feature from this bill at this time, and give the Agency a chance to get its feet on the ground and begin to work out its problems; and later on, if we have to go into it, as the Senator from Vermont has said, we can do that after we return in January.

The two features that the Senator from Vermont has talked about, apart from section 11, are two things that need to be done, and I am going to explain them.

The first feature of the bill deals with the present rigid requirement that, before the Commission may issue a commercial license for a nuclear powerplant or for other industrially or commercially useful nuclear facilities, it must make a finding that the type of facility "has been sufficiently developed to be of practical value for industrial or commercial purposes." The Atomic Energy Commission has not yet made a finding of practical value for any type of nuclear facility and, therefore, nuclear powerplants are still being licensed as research and development facilities. Developments to date have overtaken the need for any finding of practical value by the Commission. There is simply no reason to retain in the Atomic Energy Act the concept that such a finding must precede commercial licensing. Accordingly, H.R. 18679 erases this concept from the 1954 act and paves the way for the commercial licensing of nuclear facilities.

In accomplishing this objective, the Joint Committee had to take a close look at a related provision in the Atomic Energy Act of 1954; namely, the text of subsection 105c. of that act. That subsection presently provides that whenever the Commission proposes to issue a commercial license, it shall notify the Attorney General of the proposed license and the proposed terms and conditions thereof. The Attorney General would then be obliged to advise the Commission "whether, insofar as he can determine, the proposed license would tend to create or maintain a situation inconsistent with the antitrust laws"; his advice would be published in the Federal Register.

I may say at this juncture that this whole thing was discussed with members of the Justice Department.

This provision—subsection 105 c.—is separate and apart from subsection 105 a. of the Atomic Energy Act of 1954 which clearly states at the very outset that "Nothing contained in this Act shall relieve any person from the operation of the following acts as amended" and there then follows a specification of the antitrust laws and the Federal Trade Commission Act. Subsection 195 a. would remain wholly unchanged and unaffected by the enactment into law of the bill now before the Senate.

Because the language and potential effect of the existing subsection 105 c. are not sufficiently clear, the committee decided to clarify and revise this phase of the Commission's licensing process. H.R. 18679 does this. Revised subsection 105 c. clarifies the antitrust review standard and specifically describes what the Commission is to do in relation to the advice received from the Attorney General. The end product is the result of the committee's exploration of every facet of the background of this provision, and of the committee's judgment respecting the scope and type of review that AEC ought to conduct. The committee and its staff spent many, many hours on this aspect of the bill, and I can assure the Senate that we consider very carefully the considerable testimony, comments and opinions we received from interested agencies, associations, companies and individuals, including representatives from the Antitrust Division of the Justice Department, from privately owned utilities, and from public and cooperative power interests. The end product, as delineated in H.R. 18679, is a carefully perfected compromise by the committee itself; I want to emphasize that it does not represent the position, the preference, or the input of any of the special pleaders inside or outside of the Government. In the committee's judgment, revised subsection 105 c., which the committee carefully put together to the satisfaction of all of its members, constitutes a balanced, moderate framework for a reasonable licensing review procedure.

I want to stress in the clearest possible way that subsection 105c. in no way extends, revises, impairs, modifies, or impinges on the antitrust laws of our statute books, or prevents or limits their full application. The authorities and responsibilities of the Attorney General and others by virtue of our antitrust laws remain completely uninterfered with and unaffected by the review functions dealt with in section 105 c.

I also want to underscore several other important intentions of the committee. Paragraph (8) of subsection 105 c. will enable the Commission to avoid delaying the issuance of permits or licenses in certain cases due to the antitrust review feature. This flexibility applies with respect to antitrust questions that are or may be raised at the initiative of the Attorney General or another; the objective is to help avoid unnecessary delays in the scheduling or operation of needed powerplants.

The committee further intends, aside from antitrust considerations, that construction permit proceedings in progress at the time the bill becomes law be continued as a section 103 proceeding with an absolute minimum of procedural delay. Although the bill does not specifically deal with the objective of avoiding delay incident to the change in posture from 104 b. to section 103 status, aside from antitrust considerations, it would be the height of folly to stretch out unnecessarily the increasingly long interval between an application for a construction permit and the regulatory decision on the permit. A few years ago, this period approximated 7 to 9 months. Now, the interval is closer to 18 months and has approached 2 years in some cases. The committee understands that in the normal routine there may be one or more cases where the construction permit proceedings have essentially been brought to a conclusion, except for the ultimate regulatory decision. The committee intends that the Commission will, by appropriate rule, regulation, or order, pursuant to its discretion, suitably bridge the change to section 103 status so as to avoid, to the greatest extent reasonably practicable, any delays in the scheduling of needed powerplants or other needless hardships. There may, for example, be instances where an extension of the usual policy of granting regulatory permission to start or continue with construction items may avoid unnecessary delay, financial penalties, or other hardships. The Commission should use sound judgment to avoid or minimize such delay or hardship because of the conversion of the status of a 104b. application for a construction permit to one under section 103 of this bill. I am speaking, of course, of procedural steps—not health or safety issues. The joint committee would never acquiesce in any short cuts relative to health or safety matters. The "practical value" feature of the bill does not affect health and safety considerations in any way.

The second feature of H.R. 18679 would make a minor change in subsection 161 v., of the Atomic Energy Act. This subsection was added by the Private Ownership of Special Nuclear Materials Act which was passed in 1964. The subsection pertains to the furnishing of uranium enrichment services by the AEC. This service, which is performed through utilization of the Government's unique gaseous diffusion facilities, increases the percentage of fissionable isotopes in natural uranium so that the enriched material can be used as fuel in nuclear reactors. The 1964 amendment provided that the AEC was to establish prices for that service "on a basis which will provide reasonable compensation to the Government." It further provided that the AEC was to establish written criteria for the furnishing of the service and in support of the prices it would charge. The legislative history clearly indicated the intent of the committee and of Congress that the statutory basis for AEC's prices would be recovery of the Government's costs. The initial criteria established by the AEC—which have been in use until now—in fact provided for prices based on the recovery of appropriate Government costs over a reasonable period of time. However, several months ago, the AEC proposed radically revised criteria which are not based on the recovery of the Govern-

ment's costs, but, rather, on factors related to a hypothetical plant of the future that would be privately owned. The new criteria are impossibly vague and can be used as apparent justification for almost any price at any time. When AEC submitted the proposed revised criteria to the committee in June, we sought and obtained the advice of the General Accounting Office. The Comptroller General reported to the committee that the revised criteria did not appear to be consistent with the intention of Congress. This is also the opinion of the joint committee. In effect, then, these new criteria are so vague as to remove the stability we have had in the pricing of uranium fuel and consequently to accelerate the inflationary trend in the prices of our other fuels. And they amount to a thwarting of the intention of Congress.

Section 8 of H.R. 18679 supports and reaffirms with even greater clarity the intention of Congress, as clearly discerned by the GAO in its July 17, 1970 report to the committee, that the Commission's charges for enriching services be based on the recovery of appropriate Government costs over a reasonable period of time.

Mr. President, at this time I yield to the distinguished Senator from Vermont.

Mr. AIKEN. Mr. President, first, I would like to commend the Senator from Rhode Island for his clear summary of the spirit and provisions of the bill before the Senate. The Joint Committee on Atomic Energy and the staff have worked long and hard in order to get a good bill. We have a good bill, and it should be enacted.

Since the senior Senator from Rhode Island has clearly explained the provisions of this bill, I will not undertake to duplicate his efforts. I simply have one other statement to make.

I was concerned that the language of the bill clearly would result in the application of the antitrust laws in this country to the producers of electrical energy from nuclear plants. Therefore, I consulted with the Department of Justice quite freely and received their assurance that this is a good bill. I received a letter from them, dated November 9, 1970, signed by Richard W. McLaren, Assistant Attorney General, Antitrust Division, from which I read two paragraphs at this time:

It appears, to us that the bill adopted by the Joint Committee, and its accompanying report, actually serve to strengthen the antitrust safeguards of the Atomic Energy Act.

The other paragraph states:

The Committee's intent seems clear: if AEC finds that a situation "inconsistent with the antitrust laws" would result from activities under a license, it may either (1) deny the license or (2) condition grant of the license on action by the applicant(s) to eliminate the inconsistency. If there is an urgent need for power in the area, attaching antitrust conditions to the license may be the preferable course of action for AEC to take in the public interest. For example, applicants for a license for a joint venture nuclear power plant could be granted a license by AEC to construct a vitally needed facility; however, grant of the license would be conditioned upon applicants' affording access to low cost power from the nuclear facility on reasonable terms to a utility theretofore excluded from participation, if exclusion of the latter would subject it to unreasonable competitive disadvantage.

Mr. President, I ask unanimous consent to have the entire letter printed in the RECORD.

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

DEPARTMENT OF JUSTICE,
*Washington, D.C., November 9, 1970.*

Hon. GEORGE D. AIKEN,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR AIKEN: This responds to your request for the views of the Department of Justice on the provisions of S. 4141 relating to AEC pre-licensing review, in the form reported by the Joint Committee on Atomic Energy on September 29, 1970.

As you know, we have not felt that there is a pressing need for additional legislation concerning AEC's licensing procedures or for new legislation on the antitrust standards relating thereto. However, in deference to the views of others, including the Atomic Energy Commission, that legislation clarifying the procedures would be desirable, we have worked with the AEC and the Joint Committee to fashion appropriate amendments to the Atomic Energy Act in order to provide the greater specificity as to licensing procedures that is desired. We have also consulted with you and other members of the Joint Committee to assure that any changes made in the wording of the antitrust standard would be well-drafted legislation.

We are satisfied that the bill reported by the Joint Committee adequately takes into account antitrust considerations. While there would be a slight change of language, as between persistent law and S. 4141, in the antitrust standard to be applied in the licensing of nuclear facilities (the words "tend to" would be deleted from the present language of section 105c), we understand that this is intended to clarify, rather than effect any substantial change in, the antitrust safeguards of the Act. The Committee Report on S. 4141 (Senate Report No. 91-1247) makes clear that in licensing proceedings AEC is required to determine whether activities under the required license would (1) contravene the antitrust laws or (2) be incompatible with the policies clearly underlying these laws. In connection with the latter, the Committee Report notes (p. 15) that the AEC "has the duty . . . to be mindful of the general objective of strengthening free competition in private enterprise." Thus, we understand that S. 4141 enjoins AEC to estimate and appraise carefully any anticompetitive effects which would result from activities under a requested license. The AEC would determine not only whether the activities would "violate" the Sherman, Clayton, or Federal Trade Commission Acts, but also whether it is reasonably probable that situations or activities would result which would be incompatible with the policies of maintaining and fostering free competition which underlie those statutes.

It appears to us that the bill adopted by the Joint Committee, and its accompanying report, actually serve to strengthen the antitrust safeguards of the Atomic Energy Act. First, they reaffirm unequivocably the Congressional intent underlying existing provisions of the Act that antitrust implications of the granting by AEC of licenses be carefully assessed. Second, AEC itself would be required to make findings under the antitrust standards, something which it is not specifically required to do by the existing statute. Third, the Committee Report on S. 4141 explains the meaning of the phrase "inconsistent with the antitrust laws." The explanation (pp. 14-15, 31) is fully in accord with the view which the Department of Justice has always held as to the meaning of this language but for which until now there has been no clear Congressional or judicial endorsement.

Finally, we think the new section 105c(6) will have very beneficial results. It enjoins AEC to use its licensing authority in order both to meet power needs and to assure that antitrust principles are observed. Since applicants will know that projects having anticompetitive effects will be subject to careful scrutiny by AEC and to possible delay if antitrust problems are present, there will be incentive for applicants to remove antitrust problems in the early stages of project planning. Not only will this be desirable from an antitrust standpoint, it will accelerate needed increases in power supply by expediting AEC's pre-licensing review. Section 105c(6) instructs AEC that, although there may be "need for power in the affected area," this need is not to override predictable adverse competitive effects of activities under a requested license except in the most exceptional cases. The Committee *Report* emphasizes (p. 31):

The Committee does not expect that an affirmative finding [of inconsistency with antitrust laws or policy] under paragraph 5 would normally be overriden by Commission findings and actions under paragraph (6). * * * Normally the committee expects the Commission's actions under paragraph (5) and (6) will harmonize both antitrust and such other public interest considerations as may be involved.

The inclusion of this provision should tend to reduce substantially the number of applications which will raise antitrust issues. Applicants will be motivated to resolve antitrust problems before commencement of AEC proceedings, otherwise AEC must ordinarily resolve them in the course of prelicensing review, or deny the license.

The Committee's intent seems clear: if AEC finds that a situation "inconsistent with the antitrust laws" would result from activities under a license, it may either (1) deny the license or (2) condition grant of the license on action by the applicant(s) to eliminate the inconsistency. If there is an urgent need for power in the area, attaching antitrust conditions to the license may be the preferable course of action for AEC to take in the public interest. For example, applicants for a license for a joint venture nuclear power plant could be granted a license by AEC to construct a vitally needed facility; however, grant of the license would be conditioned upon applicants' affording access to low cost power from the nuclear facility on reasonable terms to a utility theretofore excluded from participation, if exclusion of the latter would subject it to unreasonable competitive disadvantage.

On the basis of our understanding of the purpose and meaning of S. 4141, as set forth above, the Department of Justice supports enactment of this legislation.

Sincerely yours,

RICHARD W. MCLAREN,
*Assistant Attorney General, Antitrust Division.*

Mr. AIKEN. Mr. President, with that assurance from the Department of Justice, and the cooperation of the entire Joint Committee on Atomic Energy, the bill was reported unanimously, so that I feel we should enact this legislation.

As for the part relating to radiation, it has been said it is not essential at this time. Personally, I think it would be desirable, but it is not essential and rather than engage in a long, drawn-out controversy now, it would be much better to take it up at the next session of Con-

gress either in this form or in some other manner.

Mr. President, I hope that the bill will be passed without further delay.

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

The amendment was agreed to.

Mr. CURTIS. Mr. President, I should like to commend the distinguished Senator from Rhode Island (Mr. PASTORE) for his excellent statement explaining this bill. I support this measure completely. This joint committee explored every facet in depth and there were many matters which required and received the utmost of attention and care.

As an example, let me call attention to page 27 of the committee report which makes clear that the Atomic Energy Act, as now on the books and as amended by this bill, neither causes nor intends to cause any change in the language or interpretation of the Federal Power Act relative to those utilities subject to the jurisdiction of the Federal Power Commission under that act.

Mr. METCALF. Mr. President, I have been concerned for many years about the growing trend toward ownership of large-scale nuclear powerplants by only a few large utilities. The specter of such a monopoly in the nuclear energy field has haunted many of us, and, as Senator AIKEN has said, the "gold rush" is on as the large private utility companies race to the Atomic Energy Commission to secure licenses for nuclear generating plants under so-called research and development sections of the Atomic Energy Act. Such research and development licenses as defined by the present Atomic Energy Act are not subject to rigid antitrust scrutiny, and the would-be monopolists were not wasting any time in obtaining a stranglehold on nuclear generating facilities while the smaller utilities looked on helplessly.

The Atomic Energy Act does contain stringent antitrust review provisions which apply to licenses issued for commercial nuclear generating plants. However, the AEC has not seen fit to make a finding that the multimillion dollar plants they have been licensing have any practical value, which is a requirement before a commercial license is issued under the terms of the act. This bill would eliminate the necessity of making a finding of practical value and compel AEC to issue only one type of license with stringent antitrust review requirements.

While this bill represents an important step forward in curing monpolistic conditions in the generation of electric power by atomic facilities, I was concerned about subsection 105(c)(6) in which it is stated:

> In the event the Commission's finding under paragraph 5 is in the affirmative, the Commission shall also consider, in determining whether the license should be issued or continued, such other factors, including the need for power in the affected area, as the Commission in its judgment deems relevant to the public interest.

The finding referred to in this language is a contravention of the antitrust provisions of the act as amended by H.R. 18679.

It appeared to me that this section of the bill raised the possibility that an exemption from the antitrust provisions of the act could be secured by an applicant if AEC determined that the need for power or other factors overrode antitrust considerations. Therefore, on August 21, 1970, I wrote Assistant Attorney General Richard W. McLaren, Antitrust Division, Department of Justice, and asked him several questions concerning this language. He answered my questions in a letter dated September 2, 1970.

I asked him whether the proposed subsection 105(c)(6) would amount to an exemption from the antitrust provisions of the Atomic Energy Act. He replied:

> We do not think the proposed Subsection (c)(6) would amount to an exemption from the antitrust provisions in the Atomic Energy Commission Act. The Atomic Energy Commission is obliged to give consideration and effect to the advice of the Attorney General and the nation's policy in favor of a competitive economy. Indeed, the statement of policy at the outset of the Commission's Act specifically enjoins it to promote free competition in private enterprise. In our view, the cited language does not alter this.

I asked him how the Department construed the language "need for power in the affected area," and what "other factors" would be pertinent. He answered:

> It is difficult to state any definitive construction for 'need for power in the affected area,' other than the meaning plain in the words. The relevant question is not what the words mean, but how the need for power is to be integrated into the Commission's over-all licensing determination. In our opinion, the Commission would be obliged to make its decision on a licensing issue in accordance with the statement of policy at the outset of the Act. This statement of policy cleanly and comprehensively states the guiding considerations for Commission action in licensing and other areas. These considerations subsume the need for power.
>
> We would not think the AEC could "avoid the conditioning of licenses to cure adverse antitrust findings" simply upon a finding that there was a need for power in the affected area. Rather, we expect, and we believe that the Commission expects, that the Commission's conditioning authority could be used to cure competitive problems while allowing construction and utilization of facilities.
>
> We must recognize, I think, that the basic directive to the Commission is to maximize the welfare of the population insofar as its activities in the nuclear field are concerned, and that all other stated considerations are subsidiary to this one. In some instances a project might be delayed for a period of time, even taking into account the nation's continuing need for power supply, on the judgment that, over the long run, more will be gained by correcting anticompetitive situations than by immediately issuing a license. Also, there may be occasions when a power plant will have to be put on stream quickly, competitive problems cured as much as is possible before licensing, but also cured after licensing, or corrected in part by non-licensing authorities.
>
> This is simply to say that, like all other identified policies—such as preserving natural resources, promoting a favorable balance of payments, stimulating invention, and so forth—the competitive policy must be integrated into decisions designed to maximize the general public welfare. We are aware, as you are, that though the policy is fundamental to our economic system, it is not always easy to bring the decisions of government bodies fully into alignment with it. And we are aware that persons and firms who find competition uncomfortable may often attempt to induce a sacrifice of competition by calling upon other policies in a specious or overdrawn fashion. But we think these problems can be addressed without overstating the contribution of the competitive policy, or declining to recognize that it forms an integral part, not the whole, of our national policies.

Finally, I asked Mr. McLaren whether the AEC could make an adverse antitrust finding and then ignore it, rather than considering antitrust and other matters at the same time. He said that—

> We do not think that the language of the bill to which you refer would permit the AEC to make an antitrust finding and then "ignore" it. We think, as your last question suggests, that the Commission would consider antitrust and other matters "at the same time," that is, in its overall determination of the best interests of the population.

I am satisfied that no exemption from the antitrust provisions of the Atomic Energy Act can be inferred from the language of subsection 105(c)(6). The interpretation given by the Department of Justice of this subsection makes it clear that AEC will be given the appropriate power to stop the monopolization of nuclear generating facilities and open the door to participation in such plants to all utilities when monopoly is a threat.

Mr. HART. Mr. President, as chairman of the Antitrust and Monopoly Subcommittee, I feel obliged to comment on the portion of the Atomic Energy Act amendment relating to prelicensing antitrust review of applications for nuclear facilities for commercial or industrial purposes.

Section 6 of the bill revises those provisions of subsection 105(c) to require the Commission to transmit applications for nuclear power plants to the Attorney General for review and also requires a finding by the AEC as to whether the activities under the license would create or maintain a situation inconsistent with the antitrust laws. If the Attorney General finds there may be adverse antitrust aspects, the Commission must conduct a hearing giving due consideration to the Attorney General's advice and then make a finding as to whether the activities under the license would create or maintain a situation inconsistent with the antitrust laws, as specified in subsection 105(c) of the Atomic Energy Act. In addition, any person may intervene in the construction permit proceedings, raising antitrust considerations—even if the Attorney General does not. The Commission would be required to afford the intervenor the opportunity to be heard.

Mr. President, I was concerned naturally as to the antitrust implications in this bill; and, therefore, posed several questions to the Assistant Attorney General in charge of the Antitrust Division. I will ask consent to incorporate this exchange of correspondence in the RECORD following my remarks. As will be seen, the Department of Justice does not believe that the bill in any sense weakens antitrust standards with respect to the licensing procedure. As I understand it, the Antitrust Division staff worked very closely with the Joint Atomic Energy Committee in assuring that the final

product now before us does, in fact, protect antitrust considerations in the granting of licenses.

An area of this bill which gave me some concern was paragraph 6 of section 6 which states:

(6) In the event the Commission's finding under paragraph (5) is in the affirmative, the Commission shall also consider, in determining whether the license should be issued or continued, such other factors, including the need for power in the affected area, as the Commission in its judgment deems necessary to protect the public interest. On the basis of its findings, the Commission shall have the authority to issue or continue a license as applied for, to refuse to issue a license, to rescind a license or amend it, and to issue a license with such conditions as it deems appropriate.

The senior Senator from Vermont, as I understand it, also was concerned with this paragraph and queried the Antitrust Division with respect to whether or not the claim of a need for power would be expected to override antitrust considerations.

I believe that the senior Senator from Vermont received a reply from the Department of Justice which should allay any fears in this area and that this communication will be inserted into the RECORD of this debate.

In this regard, I also would like to insert in the RECORD a statement made by the Honorable MELVIN PRICE, of Illinois, during the House debate on this matter:

Mr. Chairman, concern has been expressed that this legislation would permit the Atomic Energy Commission to exempt a license applicant from the necessity of correcting an antitrust abuse included in a Commission finding where the Commission finds that the need for power in the area or other factors are overriding.

The committee, as stated in the report, expects the Commission normally to take care of both the need for energy as well as to remedy the situation where there has been an affirmative finding under paragraph (5). The report on page 31 in this respect states:

"While the Commission has the flexibility to consider and weigh the various interests and objectives which may be involved, the committee does not expect that an affirmative finding under paragraph (5) would normally need to be overridden by Commission findings and actions under paragraph (6). The Committee believes that, except in an extraordinary situation, Commission-imposed conditions should be able to eliminate the concerns entailed in any affirmative finding under paragraph (5) while, at the same time, accommodating the other public interest concerns found pursuant to paragraph (6). Normally, the committee expects the Commission's actions under paragraphs (5) and (6) will harmonize both antitrust and such other public interest considerations as may be involved."

Considerations involving "the need for power in the affected area" or "other factors" will not permit the Commission to ignore an adverse antitrust finding under paragraph (5) of subsection 105 (c).

It seems to me that the clear intent of this language in subsection 105(c)(6) is to enable the Atomic Energy Commission to expedite the licensing of nuclear power facilities while, at the same time, taking those steps necessary to cure adverse antitrust findings under the provisions of the act. If an adverse antitrust finding is made by the Commission, it may issue or continue a license when there is a "need for power in an area," but this issuance or continuance must be accompanied by appropriate conditions in the license which require the applicant to cure the adverse antitrust findings. If the applicant or holder of the license does not cure the antitrust findings, then the AEC may suspend or revoke the license regardless of the "need for power in the affected area."

Under no circumstances would the Commission be relieved of its responsibility to require applicants for licenses to conform to the antitrust provisions of the act and the antitrust laws generally. It would not seem likely that an applicant would continue the construction of a facility or begin construction while antitrust problems clouded the license, but if the Commission deems it necessary to give an applicant that choice then the "need for power in the affected area" allows the issuance of a conditioned license.

The other area of this bill that gave me some concern was whether paragraph (5) of section 6 might preclude the Department of Justice from pursuing antitrust remedies in the courts if the Commission decided that a particular situation did not "create or maintain a situation inconsistent with the antitrust laws as specified in subsection 105(a) of the Atomic Energy Act."

The report, I believe, clearly shows that such was not the intent stating:

Section 6 of the bill clarifies and revises subsection 105 c. of the act. The bill does not affect in any way the important features contained in the provisions of subsections 105 a. and 105 b. of the 1954 act. These subsections remain separate, distinct and wholly unaffected by the proposed revised subsection 105 c. For example, the Attorney General's advice under the new subsection 105 c., and the participation by the Attorney General or his designee in the proceedings referred to in paragraph (5) of the subsection, would be completely separate and apart from any actions the Attorney General may deem advisable in relation to the antitrust laws referred to in subsection 105 a. Also, under paragraph (1) of the new subsection 105 c., the Attorney General may, in his discretion, should he consider that his advice might prejudice planned actions under the antitrust laws referred to in subsection 105 a., or for any other reason, render no advice to the Commission.

The report also notes:

Subsection 105(a) wisely emphasizes that "Nothing contained in this Act"—and this includes subsection 105(c)—"shall relieve any person from the operation" of the antitrust laws. It further provides that in the event a licensee is found to have violated the antitrust laws in the conduct of the licensed activities that "the Commission may suspend, revoke, or take such other action as it may deem necessary with respect to any license issued by the Commission under the provisions of this Act."

In addition, the Joint Committee noted:

The antitrust laws within the ambit of subsection 105(c) of the bill are all the laws specified in subsection 105(a). These include the statutory provisions pertaining to the Federal Trade Commission, which normally are not identified as antitrust law. Accordingly, the focus for the Commission's finding will, for example, include consideration of the admonition in section 5 of the Federal Trade Commission Act, as amended, that "Unfair methods of competition in commerce, and unfair and deceptive acts in commerce, are declared unlawful."

Under the antitrust standard of the present act and S. 4141, the Commission is instructed to survey license applications in light of incipient antitrust possibilities. In other words, the AEC will look at factual situations having the probability of contravening the antitrust laws, and will also be looking at antitrust violations. It could well be that in passing on the antitrust aspects of license applications facts leading to separate antitrust suits by the Attorney General or others may be developed. If so, the Attorney General or others, including agencies such as the Federal Trade Commission, may take these facts to other forums for antitrust relief, including the appropriate courts or regulatory agencies. Nothing in S. 4141 precludes or impedes any antitrust action by the Attorney General or others, whether the relief sought is criminal or civil in nature.

The Atomic Energy Act is only a supplement to existing antitrust laws, and this will not be changed by the passage of S. 4141. No primary jurisdiction is vested in the AEC, and all forums of antitrust relief remain open for all parties at any time, whether or not the Commission may be considering similar or identical facts and issues in a licensing proceeding involving similar parties.

Moreover, other intervenors as well in the Commission proceedings would have the opportunity to exhaust their appellate remedies if they so desired.

Mr. President, nuclear power will be a most important contributor if we are to come anywhere near meeting the *power* demands of the very near future. However, already many of us are concerned about the growing concentration of ownership of our energy producers and over some apparently anticompetitive practices in many areas.

It would be a distressing development if nuclear power were allowed to grow—but brought with it monopolistic practices which had the effect of limiting the supply of power to some energy companies.

It is clear from the facts and opinions I have cited that it definitely is not the intention of Congress in amending the AEC Act that *this* should occur.

I have raised this point only to add to the legislative history and to make even clearer Congress' intention that the antitrust standards apply to licensing of nuclear facilities, and I ask unanimous consent that the letter be printed in the RECORD.

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

AUGUST 28, 1970.

MR. RICHARD W. MCLAREN,
*Assistant Attorney General, Antitrust Division, Department of Justice, Washington, D.C.*

DEAR MR. MCLAREN: I am very concerned over a provision contained in S. 4141 which was recently approved by the Joint Committee on Atomic Energy. As you know, this measure would amend the Atomic Energy Act of 1954 by eliminating the requirement for a finding of "practical value" in the licensing of nuclear power plants utilizing

light water reactors and require licenses for all such reactors to be issued under Section 103 of the Act, which requires AEC to consider anticipatory antitrust matters.

However, S. 4141 changes the antitrust standard contained in Section 105(c) of the present Act and substitutes a new standard which would be applied to Section 103 licenses. Under the present language in 105 (c), the Attorney General advises the Atomic Energy Commission whether "the proposed license would tend to create or maintain a situation inconsistent with the antitrust laws." S. 4141 would change the standard to whether "the activities under the license would create or maintain a situation inconsistent with the antitrust laws as specified in subsection 105(a)."

To the best of my knowledge, the language proposed as an antitrust standard in S. 4141 is not contained in any other federal statute and was not discussed during the hearings on practical value legislation by the Joint Committee. I would appreciate it if the Department of Justice could provide me with its interpretation of the proposed language in the following areas:

1. Does the proposed new standard represent a weakening of antitrust review over the licensing of nuclear power plants under Section 103 of the Atomic Energy Act?

2. Will the new standard apply to applicants who have received construction permits under challenge by intervenors on antitrust grounds when these applicants seek an operating license?

3. Is there a positive value to be gained by the consideration and implementation of antitrust policy by administrative agencies such as AEC in their decision-making process?

4. Does the Department of Justice see any need for a change in the antitrust standard of the present Atomic Energy Act?

5. Are there any statutory precedents for the new antitrust standard proposed in S. 4141?

6. The present language of Section 105(c) of the Atomic Energy Act is identical with language contained in the Surplus Property Act of 1944. Has the Department of Justice experienced any difficulty in administering the standard under the Surplus Property Act?

7. Would the new antitrust standard proposed by S. 4141 change or alter the interpretation placed on the present standard by the U.S. Court of Appeals for the District of Columbia in the *Statesville* decision, in which the standard was interpreted to mean "anticipatory antitrust review?"

I would appreciate prompt receipt of your answers to these questions together with any additional comments you might wish to make which would aid me in analyzing the significance of this proposed new antitrust review standard.

Sincerely,

PHILIP A. HART,
*Chairman.*

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NOVEMBER 9, 1970.

Hon. PHILIP A. HART,
*Chairman, Subcommittee on Antitrust and Monopoly, U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: I have delayed somewhat in responding to your letter on S. 4141, because it was not clear what interpretation the Committee would give the words spelling out the anti-trust standard to be applied by the AEC in its licensing proceedings, to which you refer in your letter. The Committee has now prepared a report which would give these words an interpretation consistent with what we think appropriate. That is, the Commission is to make its determination on competitive consequences of activity under the license pursuant to the guidance of both the specific provisions of the antitrust laws, and the policies which underlie these provisions. With this understanding, I can now reply to your questions better than I could before. I will take the questions in order.

First, I do not think that the new standard represents a weakening of antitrust review over the licensing of nuclear power plants under Section 103 of the Atomic Energy Act.

You will note that the Attorney General can give advice on such terms as he deems appropriate with respect to the determination the Commission must make concerning competitive issues (revised Sec. 105c(1)). This provision allows a scope for advice as broad as that now contained in Section 103.

The provision for the Commission's finding on competitive issues does lack the "tend to" language of the language now in Section 103, but we do not consider this a weakening of the standard. One of the antitrust laws to which the standard refers is Section 7 of the Clayton Act, which deals with the question whether corporate joinders, joint ventures, and the like may substantially lessen competition or tend to create a monopoly. This statute has been interpreted to reach tendencies toward concentration in their incipiency. Thus, we think there is sufficient authority within the antitrust laws, and within the policies which underlie them, for dealing with incipient situations, without the addition of an additional "tend to" standard in the legislation. Indeed, the "tend to" standard contained in Section 103 is largely redundant.

Also, we had never expected to deal with the most remote and tangential of possibilities. A commonsense approach to the problem will lead one to deal with significant probabilities of anticompetitive effect, whether the standard were to read "tend to be inconsistent with," or "inconsistent with," and the revised report makes clear that the Commission would deal with significant probabilities of effects contrary to the provisions and policies of the antitrust laws.

Thus, the present content of antitrust law and policy, a straightforward reading of the test, and the language of the report all lead to dealing with significant probabilities of anticompetitive effects, far short of certainty. This is, in our opinion, all that is required.

Second, S. 4141 spells out the situations under which the new standard would apply at the operating licensing stage to applicants who have received construction permits. Subsection 105c(2) specifies that if the construction license is issued prior to enactment of S. 4141, those who have challenged the license on antitrust grounds would have standing to challenge them at the operating license stage. If the construction permit were to be issued after the passage of legislation, a determination of changed circumstances would be required to sustain antitrust review at the operating license stage.

Third, we think there is a very definite value to be gained in administrative agencies such as the AEC considering and implementing antitrust policies in their decision-making processes. Federal licensing and regulatory agencies directly affect a very large volume of the nation's commerce. Their decisions can aid the economy to become more competitive, or detract from its competitiveness. We think it essential that they tailor their decisions so as to serve the nation's general economic policy in favor of competition.

Fourth, we do not see a pressing need for a change in the antitrust standard of the present Atomic Energy Act. However, others have wished to clarify the procedures for giving and considering antitrust advice, and we have not objected to this. Thus, while we do not think that new legislation on antitrust standards is necessary, we have not objected, and do not object, to the enactment of well-drafted new legislation.

Fifth, we are not aware of direct statutory precedents for the antitrust standard proposed in S. 4141. However, as your letter implies, the kinship of the language to that used in the Federal Property and Administrative Services Act is obvious.

Sixth, we have not experienced difficulty in determining whether the antitrust test of the Surplus Property Act could be applied in a realistic fashion to sales of Government property under that Act. We have observed instances in which the giving of such advice caused the agency desiring to sell the property to make decisions it otherwise might not have made. These decisions were sometimes preceded by discussions with the agency. This was anticipated when the standard was inserted in the Act, and is to be expected. Otherwise, the standard would have no effect.

Seventh, we do not think that the standard proposed in S. 4141 would alter the interpretation of the U.S. Court of Appeals interpreting the antitrust standard to mean "anticipatory antitrust review."

Sincerely yours,

RICHARD W. MCLAREN,
*Assistant Attorney General, Antitrust Division.*

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

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

The bill was read the third time and passed.

Mr. PASTORE. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. BYRD of West Virginia and Mr. AIKEN moved to lay the motion on the table.

The motion was agreed to.

Mr. PASTORE. Mr. President, I ask unanimous consent that S. 4141 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, S. 4141 is indefinitely postponed.

Mr. PASTORE. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make necessary technical and clerical corrections in the engrossment of the Senate amendment to H.R. 18679, and that the bill, as passed, be printed.

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

Mr. PASTORE. Mr. President, I thank the distinguished majority leader, the Presiding Officer, the Senator from Vermont (Mr. AIKEN), and all my other colleagues.

Mr. MANSFIELD. Mr. President, the distinguished senior Senator from Rhode Island is to be highly commended for successfully steering this measure through the Senate. Its swift disposition speaks abundantly for the effective legislative skill of Senator PASTORE. The Senate is again most grateful.

The distinguished senior Senator from Vermont (Mr. AIKEN) is to be commended equally. His excellent support and assistance on this measure were indispensible. The Senate is again indebted to both of these outstanding Senators.

## PUBLIC EXPOSURE TO SONIC BOOMS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1399, S. 4547.

The PRESIDING OFFICER (Mr. MURPHY). The bill will be stated by title.

The assistant legislative clerk read as follows:

The bill (S. 4547) to provide for regulation of public exposure to sonic booms, and for other purposes.

Mr. MAGNUSON. Mr. President——

Mr. GURNEY. Mr. President, I object to this bill being brought up at this time.

Mr. MAGNUSON. I did not hear the Senator.

Mr. GURNEY. My instructions are from the leadership to object at this time.

Mr. COTTON. Will the Senator from Florida please speak a little louder?

Mr. GURNEY. The minority leader wishes me to object to the bill being brought up at this time.

Mr. MANSFIELD. If that is the case, very well, but I had talked to the minority leader and I believe the Senator from New Jersey (Mr. CASE) had also talked with the minority leader. If the Senator from Florida would care to make further inquiry, I will suggest the absence of a quorum in the meantime. If the objection holds, of course I will honor it.

Mr. MAGNUSON. I would say to the Senator from Florida that the minority leader——

Mr. CASE. It is OK.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, on page 1, line 10, after the word "this", strike out "section" and insert "subsection"; on page 2, line 22, after "(2)", strike out "(c)" and insert "(C)"; on page 3, line 1, after the word "Administrator", strike out "of the Federal Aviation Administration (FAA)"; in line 3, after the word "this", strike out "section" and insert "subsection"; and in line 7, after the word "this", strike out "section" and insert "subsection"; so as to make the bill read:

S. 4547

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Federal Aviation Act of 1958, as amended, is further amended by adding to section 307 the following new subsections:

CIVIL AIRCRAFT SONIC BOOM

(g) (1) No person may operate a civil aircraft at a true flight mach number greater than 1 except in compliance with the conditions and limitations in an authorization to exceed mach 1 issued to the operator under this subsection.

(2) For a research and development flight in a designated flight test area an authorization to exceed mach 1 may be issued if the applicant shows one or more of the following:

(A) The flight is necessary to show compliance with an airworthiness regulation or is necessary for aircraft development.

(B) The flight is necessary to determine the sonic boom characteristics of the airplane, or is necessary to establish means of reducing or eliminating the effects of sonic boom.

(C) The flight is necessary to demonstrate the conditions and limitations under which speeds greater than a true flight mach number of 1 will not cause a sonic boom to reach the surface.

(3) For a flight outside of a designated flight test area, an authorization to exceed mach 1 may be issued if the applicant shows conservatively that the flight will not cause a sonic boom to reach the surface of the United States, excluding the territorial waters thereof, when operated under conditions and limitations demonstrated under paragraph (2)(C), and shows that those conditions conservatively represent all foreseeable operating conditions.

(4) An application for an authorization to exceed mach 1 must be made on a form and in a manner prescribed by the Administrator. In addition, for an authorization covered by paragraph (2) of this subsection, each application must contain:

(A) Information showing that operation at speeds greater than mach 1 is necessary to accomplish one of the purposes specified in paragraph (2) of this subsection;

(B) A description of the flight test area proposed by the applicant; and

(C) Conditions and limitations that insure that no sonic boom will reach the surface outside of the designated flight test area.

(5) An application for an authorization to exceed mach 1 may be denied if the Administrator finds that such action is necessary to protect and enhance the environment.

(6) An authorization to exceed mach 1 is effective until it expires, or until it is surrendered, and may be terminated by the Administrator whenever he finds that such action is necessary to protect and enhance the environment.

REPORT BY THE SECRETARY

(h) Upon the completion of the United States civil supersonic program to develop and fully test two prototype aircraft, the Secretary of Transportation shall prepare and transmit to the Congress and to the public a report covering all aspects of the prototype program. The report shall include a detailed analysis of the economic, international, transportation, and environmental consequences that could result from the commercial production or nonproduction of a United States civil supersonic aircraft, and shall include recommendations for any legislation or international agreements deemed necessary to insure a balanced national transportation policy which is efficient, productive, economic, and environmentally safe and sound.

Mr. MANSFIELD. Mr. President, the Senator from Washington has the floor.

Mr. MAGNUSON. I thank the Senator from Florida because the minority leader, the Senator from Pennsylvania (Mr. SCOTT), about 5 minutes ago told me it would be all right. I guess he did not communicate this to the Senator from Florida. He said that as long as it was all right with me and the Senator from New Jersey (Mr. CASE), it was all right with him.

Mr. President, this bill would amend section 307 of the Federal Aviation Act of 1958 by prohibiting the operation of civil aircraft at a speed greater than sound—mach 1—over the United States except by authorization of the FAA which may permit certain flights only for test purposes. But all commercial flights over the continental limits of the United States and its territories would be prohibited.

First. Supersonic flights may be permitted for the purpose of research and development if such a flight is necessary for proving compliance and airworthiness regulations or is necessary for aircraft development.

Second. Supersonic flights may also be permitted if the flight is necessary to determine the sonic boom characteristics of the airplane or to establish means of reducing or eliminating the effect of sonic boom or if such flight is necessary to determine conditions and limitations under which sonic booms will not reach the earth's surface.

The FAA Administrator may authorize, in a prescribed manner, supersonic flight if necessary for the purposes outlined above. However, an application for such authorization may be denied if the Administrator feels that denial is necessary to protect and enhance the environment.

Mr. President, the FAA would only authorize a supersonic flight for certain limited purposes.

It also provides that the Secretary of Transportation shall prepare and submit to Congress a report covering all aspects of the SST prototype program upon its completion. The report shall include a detailed analysis of all consequences resulting from the commercial production or nonproduction of a U.S. SST, together with appropriate recommendations for any legislation or international agreements which might be required for the purpose of regulation of supersonic flights. I stress the word "international" because there will obviously be international flights before we begin testing our own American SST. It may require some pretty sharp international agreements about the regulation of supersonic flight.

Mr. President, on April 15, 1970, the Department of Transportation filed notice of a proposed rulemaking to ban civil supersonic flights over land. This proposed regulation was published in the Federal Register on April 16, 1970. In addition to the filing of the proposed amendment to the Federal aviation regulations, the President of the United States, the Secretary of Transportation, and other representatives of the administration have stated that commercial supersonic flights over land will not be allowed.

I do not know how many times the Senator from Washington and others, including the Senator from Arizona and the rest of us, have said that the SST was never intended to fly at supersonic speeds over land under present conditions. Now, in spite of these assurances some have contended that the regulation might be changed or revoked when com-

mercial supersonic flight becomes a reality.

And I guess it could be. It is possible. So, to dispel these unjustified fears and to assure the American people that there will be no overland supersonic flights in this country by supersonic aircraft, or over any other country which will be building them, at speeds that would cause a sonic boom which could reach the earth, my bill adopts the language of the Department of Transportation's proposed regulation and makes it law.

The prohibition, by law, of sonic booms caused by civil supersonic aircraft over land will not have any effect on the economic viability of the U.S. civil supersonic transport. The prototype program has proceeded upon the assumption that commercial supersonic flight over land would not be allowed and all marketing and economic projections have been based on this assumption.

Once the two prototypes of the civil supersonic aircraft have been developed and tested, the manufacturers of the aircraft, the airframe, and the powerplant must make the decision whether to proceed with commercial production.

The airlines will be primarily responsible for the payback. They are the ones who will invest hundreds of millions of dollars in this aircraft and be responsible for operating it. It is a decision which will be made by them and the manufacturers as to whether commercial production of the aircraft is in the national interest.

I am confident that the U.S. fly-before-you-buy prototype program will lead to the development of a transport that will be technically, economically, and environmentally successful.

The U.S. supersonic program has had the benefits of years of careful research and analysis which will result in a product, I think—and I think every areonautical engineer in the world thinks—that will be far superior in all facets to those now under production in England, France, and Russia.

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

Mr. MAGNUSON. I yield.

Mr. KENNEDY. Mr. President, I represent a maritime State over which many of the international flights travel. I wonder how the bill would affect the land and the sea corridors in my area. The Senator from Washington, of course, understands that a great many of these international flights come along Long Island and over Martha's Vineyard and Nantucket. I wonder if the Senator from Washington could give us some indication as to that area of the country.

Mr. MAGNUSON. Mr. President, we would have jurisdiction under this bill to prohibit any of these flights over water over which we have jurisdiction or over any land area. There would be a 10- or 12-mile limit. But I do not think it would hit anywhere near that area.

The plan now, at least of the aeronautical engineers, is that the plane would begin decelerating more than 100 miles out. It would then fly subsonic and would be the same as any regular jet plane coming in.

The Senator is correct in bringing up the point. The only place that I can think of where this might happen is along that part of the country. They would drop down 100 miles out, say from Kennedy Airport in New York. That would be close to the tip of Long Island. That is about the only place in New York. With respect to any other airport in the United States, they would be far from land.

Mr. KENNEDY. From Long Island these planes fly over Block Island to Martha's Vineyard and Nantucket.

Mr. MAGNUSON. It heads out to sea in a more or less northeast direction.

Mr. JACKSON. Mr. President, will the Senator yield for a point of clarification?

Mr. MAGNUSON. I yield.

Mr. JACKSON. Mr. President, I take it that it is not possible for the United States to retain regulation outside of the area over which it has jurisdiction.

I think the importance of all of this is the need, of course, for an international convention and agreement dealing not only with the problem of supersonic traffic beyond our borders, but also with the whole question of research and development in this area.

As I understand it, there are funds in the transportation bill for research and development which will be undertaken over a period of 3 years of $27 million in part by a participation and exchange of information with other countries.

I believe that what the Senator has very ably put to the Senate poses some of the problems we have to face up to. That is that the supersonic matter can only be validly discussed in terms of the planet. When we talk about banning American SST's, of course, we are ignoring the planet. That is why, in addition to what my colleague is doing here—in which I have joined as a cosponsor—we would have to get some kind of international agreement and understanding on the part of all countries that are operating the SST.

Mr. MAGNUSON. The Senator is correct.

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

Mr. MAGNUSON. I yield.

Mr. GOLDWATER. Mr. President, I believe if the Senator posed a little different question, I might try to help him in answering the question.

The Senator inquired about the effect of the boom on ships and land.

I say to my good friend, the Senator from Massachusetts, that in flying a plane out of Kennedy Airport, they fly at subsonic speeds. They would not go through mach 1 until they were about 100 miles out. That would represent an increase of less than 1 pound. It would be something like the weight of a spinning lure hitting the water. Most people on the ship would never even know that it was over mach 1.

Mr. KENNEDY. Mr. President, I appreciate the Senator's statement.

Nantucket and Martha's Vineyard are 30 or 40 miles away from the general shipping areas. But a great many planes fly over that area. That is about 200 miles from the Kennedy Airport. The fact that a plane would be coming down 100 or 200 miles from the land still would put it somewhere between Cape Cod and Long Island.

I was interested in knowing whether that would be an area that would receive a heavy burden from the SST.

Mr. GOLDWATER. Mr. President, in supersonic flight they would never let it down. That would be structurally unsound. They would go into a configuration say at 1.9 or 1.95 and the letdown would be started far out to sea, even 500 miles out. It would never affect the land. That would not be bothersome at all.

Mr. MAGNUSON. I am sure that the pattern which would involve the Kennedy Airport would not necessarily follow a straight flight. The jets could go a little northeast. It would only be a matter of 5 minutes' difference. It would not affect it. I am sure that it would work out.

Mr. KENNEDY. Mr. President, do I understand that the only area which would be covered or protected would be 10 miles outside the actual islands?

Mr. GOLDWATER. The legislation that the Senator from Washington has introduced prescribes what the FAA can do. In fact, the same rule applies. They can designate any departure pattern. In fact, the FAA regulations now require that in the interest of less noise, a take-off pattern be used that would be quite different from the normal.

Mr. KENNEDY. Mr. President, it would actually prohibit any sonic boom from being caused 10 miles off the coast of Long Island.

Mr. GOLDWATER. This does not specify 10 miles. I think it is up to the FAA.

Mr. KENNEDY. There is nothing in the legislation.

Mr. MAGNUSON. Technically and legally we have no control over waters beyond our territorial limits but the FAA has complete control over any airplane coming into an airport. They can say, "Mr. British pilot or Mr. French pilot, begin slowing down 100 miles or 200 miles out," because they have control over the airspace.

Mr. KENNEDY. Inasmuch as the legislation prescribes certain transcontinental flights, I would be interested in the understanding of the sponsor about the protection of those lands or islands that jut out into the Atlantic, and are generally considered to be in the air traffic zone.

I understand the valid point of the Senator from Washington that these will have to be dealt with through international treaties. We have jurisdiction only as has been set out in this dialog. But I would be interested in the general intention of the principal sponsor.

I understand the thrust of this measure is to protect those less populated areas across the heartland of this country from these infractions until we develop technological know-how on how to avoid the boom. I would like to have assurances with respect to the thrust of this legislation in regard to maritime areas.

Mr. MAGNUSON. All of us would want to have regulations that mean what they say with respect to getting near our is-

lands or coastland. This is one of the reasons why if we do not have a supersonic transport we cannot be part of any international agreement and we could not stop anyone from flying over the ocean. They are going to do it and there is no question about it. I have on my desk an advertisement which was published in U.S. News last week in which they are trying to sell the Concorde.

Mr. JACKSON. I think the Senator has hit on the central point and that is that the FAA can, by reason of their operational control of incoming aircraft, set the pattern they will have to follow when approaching the United States. This sort of ruling and requirement would certainly get at the point which the Senator from Massachusetts made. If they fail to comply they could not land.

Mr. MAGNUSON. They could not land.

Mr. JACKSON. We do need to resolve these problems from the environmental point of view and other points of view to work out international agreements.

As the author of the National Environmental Policy Act of 1969, which was signed into law on January 1 of this year, I recall that we recognized the danger. In that act we authorized the President to enter into agreements with other countries from the standpoint of research and development undertakings and from the standpoint of administering various programs that would have a planetary impact. For example, we have not discussed it here, but the problem we face in connection with oil tankers is one that cannot be solved in the final analysis by national action alone.

Mr. MAGNUSON. We have a good bill here but it does not affect the situation the Senator referred to.

Mr. JACKSON. We have tankers operating off our coast which do not come into the United States and which could spill oil which would affect the beaches of our country. Here is an example of the need for international action.

The point I emphasize when we talk about the SST is that we are only talking about a part of the problem when we address ourselves only to the national situation. This is a planetary problem and it pertains to the planet as a whole and the United States can only do those things over which we have jurisdiction.

I think what my able senior colleague is doing is undertaking to do that which we have the legal authority to do in the environmental area. I commend him for the very able statement he is making and his leadership in putting this bill together.

Mr. MAGNUSON. I with many cosponsors set up the beginning of the World Environmental Institute which we hope will consider and decide these matters. We have international air agreements now.

Our air traffic control towers can instruct airplanes to do anything they want them to do before descending to land.

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

Mr. MAGNUSON. I yield.

Mr. GOLDWATER. Not only do our air traffic controllers know all traffic coming into the United States, but air traffic controllers controlling air traffic in other countries tell us. If they tell us to deviate 10 degrees from the course, you do not ask why; you do it. All countries do that. It is common all around the world wherever there are air traffic controllers. They are found in every country.

We have respect for instructions of foreign air traffic controllers and they have respect for ours. I have come into Kennedy many times on different aircraft and I know by the deviation the aircraft makes that the pilot has been asked to do it. For example, coming across the country, if traffic looks as if it is going to be heavy at Kennedy I have been asked to start my letdown over Chicago, and that is a long way out, but we do what they ask.

Mr. MAGNUSON. Subsonic flight is flight at speeds flown by current jets. An SST can fly an entire trip subsonically. It would not be as economical but it can be done.

I do not want to delay the Senate on this matter.

While I have the greatest confidence in the program and in the capability of the manufacturers to produce a superior aircraft, I feel that the decision of the manufacturers and the airlines to enter into commercial production after the testing of the two prototypes is a decision in which the public has an interest. Because of the public's interest in this decision, the bill would require the Secretary of Transportation to submit to the Congress and to the public a report covering all aspects of the prototype program upon the completion of the prototype development and testing program.

The report shall include a detailed analysis of potential environmental, economic and international consequences that may result from production or nonproduction of a U.S. civil supersonic aircraft.

They will have plenty of time to look at these matters because commercial production is many years away.

The report will specifically address the problems of airport-area noise created by the SST, measured from the runway sidelines and from ascent and descent patterns over the community. While the committee is confident that the supersonic transport will not create greater noise levels than those created by existing subsonic turbojet aircraft, the Secretary's report will be helpful in developing a complete record on the parameters of this problem in particular as well as detailing the other potential environmental consequences of widespread supersonic air transport.

Our great astronaut, Neal Armstrong, made a speech in Washington a few weeks ago in which he said he was shown the Russian supersonic plane and that it was a great plane and one of the finest planes he had seen, and he intimated that they would give us the results of their operational experience.

Flight testing of the prototype equipment will enable us to measure and understand potential noise problems and will provide definitive answers to these questions.

The report shall also make available data on all other civilian supersonic aircraft programs—including the Concorde and the TU–144—which are in development or in commercial operation at that time.

The report shall also set forth any recommendations for legislation or international agreements which the Secretary feels are necessary to insure a balanced national transportation policy which is efficient and productive, and economically and environmentally sound. The Secretary's recommendations are not to be limited to the U.S. civil supersonic program but shall include recommendations, where appropriate, for any necessary regulation of all civil supersonic aircraft that may have an effect on the United States. The committee believes that such a report, with legislative recommendations, will go far to assure the American people that supersonic aircraft operations will be conducted under conditions which will insure that such operations are compatible with this Nation's environmental standards, that they are economic, and that they will result in important benefits to the Nation's economy, to a balanced national transportation policy, and to the American people.

Mr. President, I submit an amendment to my bill which goes even further. I think it is necessary.

Mr. COTTON. Mr. President, before the Senator submits the amendment, will he yield to me just a minute?

Mr. MAGNUSON. Let me submit it first, and then I will yield to the Senator.

Mr. COTTON. Very well.

Mr. MAGNUSON. This amendment deals with what I just mentioned—the noise levels that the FAA now prescribes as it deals with the planes now flying, the so-called sideline noise, and it brings us down to the limits which are now in effect on regular jets.

The PRESIDING OFFICER. The Chair will advise the Senator that the amendment is not in order until the committee amendments are disposed of except by unanimous consent.

Mr. MAGNUSON. I am just presenting the amendment now.

I ask unanimous consent that it be made part of the bill.

The PRESIDING OFFICER. The Chair is advised that the amendment would have to be acted on by the Senate.

Mr. MAGNUSON. I just sent it to the desk. I shall call it up later.

Mr. COOK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOK. The unanimous-consent request that it be made a part of the bill has not been acted on. Is that correct?

The PRESIDING OFFICER. It has not been acted on.

Mr. MAGNUSON. I will offer the amendment later.

The PRESIDING OFFICER. The amendment will be received.

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

Mr. MAGNUSON. I yield.

Mr. COTTON. I join in commending the distinguished Senator from Washington (Mr. MAGNUSON), chairman of the Committee on Commerce, in presenting this bill.

So that the RECORD will be clear, I want to emphasize the fact that the bill was reported favorably by our Committee on Commerce with the recommendation that it pass. To the best of my knowledge, there were no dissenting votes.

The bill is in response to a recommendation made by the entire Senate Appropriations Committee in its report accompanying the Department of Transportation and related agencies appropriation bill—H.R. 17755—which will come before the Senate shortly. I will read it, because it should appear in the RECORD at this point. The Committee on Appropriations said the following:

Last year, in providing funds for continuation of the commercial supersonic transport program, the Committee urged the Secretary of Transportation to develop legislation to protect the public against the sonic boom.

The law the Committee has in mind is one specifically prohibiting overland flights at sonic-boom producing speeds. Such a restriction is embodied in S. 942, now pending before the Senate Commerce Committee.

Our Committee regrets that in place of pressing for such legislation, the Secretary has chosen instead to seek an agency rule to deal with the matter.

In the Committee's view, a rule, which is subject to arbitrary change, is no substitute for a law passed by the Congress.

The Department's approach permits the unfortunate inference that the Department some day may wish to relax its rule on overland SST flights should such flights be deemed essential to the SST's commercial success.

The Committee believes public concern on overland flights can be allayed by the Department promptly supporting the pending legislation, or submitting a bill of its own.

It is partially, of course, in response to the concern expressed by the Committee on Appropriations that the Committee on Commerce has acted. As the Committee on Appropriations has stated so well, a rule subject to arbitary change is no substitute for a law passed by the Congress.

So, regardless of what may be the will of the Senate, when the time comes to consider the appropriations bill, and the question of the continuance of the SST program may arise, this measure is insurance and a safeguard, if it is passed, for the people of the United States, including, of course, Alaska and Hawaii. This is a protection written into the law, which cannot be relaxed except by another act of Congress against the danger of being subjected to sonic booms.

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

Mr. COTTON. The Senator from Washington has the floor. He yielded to me.

Mr. CASE. Mr. President, would the Senator object to my making a comment at this point?

Mr. MAGNUSON. Certainly not.

Mr. CASE. I want to thank the Senator from New Hampshire for pointing out that this bill is in response to a specific concern expressed by the Committee on Appropriations and for reading into the CONGRESSIONAL RECORD the portion that he did from the committee report. I am especially pleased about that, because, modestly, I take responsibility for suggesting that that language be put in the Appropriations Committee's report. I, too, am very pleased indeed that this has been done.

In this connection, because I think it would help the continuity of the story, I wonder if the Senator would object if I suggested that we put in the CONGRESSIONAL RECORD at this point a copy of the letter from the Secretary of Transportation to our committee chairman in regard to acceptance of the legislative approach. The letter is dated December 1, 1970, and is signed by Secretary John Volpe, and addressed to RICHARD B. RUSSELL, chairman.

Mr. COTTON. I think it is very appropriate that these letters be printed in the RECORD at this time. I have completed what I wished to say.

Mr. CASE. I ask unanimous consent that the letter to which I have referred be printed in the RECORD at this point.

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

THE SECRETARY OF TRANSPORTATION,
*Washington, D.C.*

Hon. RICHARD B. RUSSELL,
*Chairman, Senate Appropriations Committee, Washington, D.C.*

DEAR MR. CHAIRMAN: I have read with some interest the report of your Committee (submitted by Mr. Bible) dealing with the Department's appropriation for Fiscal 1971. I note on page 6 of that report some language critical of the Department with respect to its actions designed to protect the public against the sonic boom.

It is still my personal feeling that proper procedure is for an agency rule in this area rather than legislation, not because I expect the rule to ever be changed but simply because this has always been the orderly method of proceeding in such matters.

After reading the language of the Committee report, however, I understand how strongly the Congress feels about this issue. In view of your concern, I wish to amend our previous position and make it clear that we have now no objection if the Congress should decide to prohibit by statute flights over populated areas at boom-producing speeds. Lest there be any misunderstanding, the term "populated areas" as used above, means the whole of the continental United States, including Alaska and Hawaii. By carbon copy of this letter to the Chairman of the Commerce Committee, I am informing him of this decision.

The Office of Management and Budget advises that it has no objection to my submission of this position.

Sincerely,

JOHN A. VOLPE.

Mr. MAGNUSON. Mr. President, I wish to say at this point that the Senator from New Jersey initiated the language inserted in the appropriation bill, in which I joined with him. We also had a bill on this subject from the Senator from New Jersey before the Commerce Committee.

Mr. CASE. As a matter of fact, it was referred to in the report.

Mr. MAGNUSON. This committee bill embodies a great deal of what the Senator from New Jersey has been talking about for a long time and is similar to his bill and I want to give him due credit.

Mr. CASE. I appreciate that, and if the Senator will permit me to make this comment, that will end my participation here.

Mr. MAGNUSON. I yield the floor.

Mr. CASE. I am tremendously pleased to join with the Senator from Washington in his pushing for this bill. I think it is an appropriate response to the needs of the situation, as well as to the urgent requests that have been made by the Committee on Appropriations, by myself, and by many other Senators.

There are just two points I should like to clear up with the Senator, and then I shall leave the matter to his tender care and mercy—and there could be no better sponsorship anywhere in the U.S. Senate than his, for a matter of this kind, though there are other matters as to which we may not feel so much in agreement.

But just two points. There is no intention, I take it, by this bill to pass, one way or another, on whether we should continue or should not continue to finance the supersonic program. This is not current in the matter presented by this bill; the bill deals only with the question of sonic booms if and when there are such; that is correct, is it not?

Mr. MAGNUSON. Well, it is correct. If we have an American supersonic plane, it deals with that.

Mr. CASE. Of course.

Mr. MAGNUSON. But it is broader than that, because it deals with any kind of civil supersonic transport.

We could not regulate the military creation of sonic booms because we do not have any jurisdiction to do so. I do not know how many Senators know that when we talk about supersonic flights, I checked with the Air Force, and as of September 1 the military has flown 538,000 hours of supersonic flights.

Mr. GOLDWATER. Mr. President, will the Senator yield? Over land.

Mr. MAGNUSON. Five hundred thirty-eight thousand hours of supersonic flights over land.

Mr. CASE. Mr. President, the Senator has forgotten that I asked him a question, but I shall be happy to repeat the question after he finishes.

Mr. MAGNUSON. But it applies to the whole problem.

Mr. CASE. The question is not whether it applies, but the question is: Later, will the Senator from Washington or any other sponsor of the supersonic program claim that we are foreclosed on this issue?

Mr. MAGNUSON. I do not think we can ever foreclose the Senate, or a Senator. I have tried it several times, but it never works.

Mr. CASE. The only other question I have, and then I shall really abandon the field—because one always knows, or ought to know, when he should do that, especially if he is dealing with the Senator from Washington—and that is, the bill does deal mainly with the matters that I am concerned about. There are some little questions about it that I will not raise at this time; but can we have, as Members of the Senate, from our two colleagues from Washington, and par-

ticularly the chairman of the Committee on Commerce, the assurance that if there prove to be bugs in this program, prompt consideration to the problems will be given by the committee?

Mr. MAGNUSON. I am sure it will. That is the purpose of the Commerce Committee. As the Senator knows, we deal with aviation matters in that committee every week.

Mr. CASE. I take that as complete assurance.

Mr. COTTON. Mr. President, I call to the attention of the Senator from New Jersey that I said, in my brief comment, that this was an assurance and a protection, and was without prejudice, and had no bearing on the decision that would be made by the Senate when the time came to consider appropriations.

Mr. CASE. I was going to ask the Senator to repeat that assurance, but he has done so in so much clearer language than I would have the wit to propose that I can only say I am most grateful.

Mr. COTTON. I thank the Senator very much.

Mr. PERCY. Mr. President, will the distinguished Senator yield to me?

Mr. MAGNUSON. I yield.

Mr. PERCY. I am very pleased to have this chance to comment; and before I ask a few questions about the pending bill, I should like to comment on the matter of the SST itself.

I am filled with admiration for the gracious, intelligent, and persistent manner in which the distinguished Senators from Washington have represented the aircraft industry and what they believe to be right for the future of aviation in this country and the great Boeing Co., and I am filled with admiration for that company because it is, I think, one of the great companies that we have in this country. When I served on the Space Committee, I tried to do everything I possibly could to get more of the management techniques of the Boeing Co., and their management personnel, involved in the space program, because of my great confidence in them. So it has grieved me that I have formulated a judgment contrary to the judgment of my distinguished colleague from Washington on the basic SST itself.

But I wish to commend the distinguished Senator from Washington for his sponsorship of the pending measure. I think it is timely, I think it is desirable, and I think it takes fully into account the potential danger that does exist from sonic booms, despite the fact that, because of military urgency, we have carried on these programs. But we know that we have carried on such flights with considerable damage, an amount that we can determine at times and sometimes we cannot possibly determine.

I should like to ask a couple of questions, however. If it is good for the United States of America and our legislature to take this matter in hand and pass this legislation, does the distinguished Senator from Washington feel that other countries will and should do the same thing, to protect their environment and their people? In fact, all countries that could possibly be subjected to sonic booms; would it not be desirable for their legislatures to pass legislation comparable to this?

Mr. MAGNUSON. Mr. President, I am sure that any country that felt that the effect of a supersonic plane was affecting its environment, whether the sonic boom or in whatever way, would do something about it.

France, Great Britain, and now West Germany are joining in a consortium to produce an SST. I cannot speak for the Russians, but I suppose they do not need to worry about international agreements as much as the rest of us; they could just issue an order in 5 minutes and say, "When you fly the Russian supersonic, you fly a certain route, and that is it."

It might go clear on to Japan.

I agree with the Senator, but also I think my colleague pointed out that in this whole field, we will have to have some international agreements.

Mr. JACKSON. Mr. President, will the Senator yield for a further clarification on that point?

Mr. PERCY. I yield.

Mr. JACKSON. I pointed out earlier that when we passed the National Environmental Policy Act, which, as the Senator knows, came out of the Committee on Interior and Insular Affairs, and which I sponsored, we authorized the President to enter into international agreements to engage in research and to work out solutions involving environmental problems.

The transportation area is a critical area in which international agreements could be extremely helpful. In fact, in the long run, it is the only answer to the problem.

We cannot here, in Congress, solve the planetary problem. As my colleague so ably stated earlier, this is but one part of it. The other countries have to join in it, and we have to end up with some kind of international agreement to regulate the problem. Otherwise, we are addressing ourselves only to the problem of American SST's. We have to address ourselves to all SST's, whether they are British, French, Russian, or American SST's, and on the basis of its possible impact on the planet as a whole.

Mr. PERCY. I think that in the assumptions we are making on the construction of the SST and our projection of a future program, we would have to take into account that other legislatures are going to do the same as we and ban supersonic flight over land areas; and the distinguished Senator from Washington's bill would apply to island areas, such as Hawaii, because it is a part of the United States of America. We dealt with some islands of Puerto Rico, where there was a little annoyance by some shelling to which the native residents objected. I assume that if we find it objectionable for human beings to have supersonic flights over them, island areas also will ban such flights, and perhaps there will be international agreements that flights should be banned over any area that is populated by human beings.

Therefore, I ask this question, first: What is the additional cost of operating a supersonic transport at subsonic speeds—in comparison, that is, with the operating expense for a passenger plane that carries the same number of passengers but is designed for subsonic speed?

Mr. MAGNUSON. I do not have any technical knowledge of that. Perhaps the Senator from Arizona can answer that question.

I know that when you fly subsonically, you do not have as much speed and the shorter turn-around time, therefore, a subsonic trip would cost more because of the less productive use of the airplane.

Mr. PERCY. I have heard figures as high as three times the operating costs.

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

Mr. MAGNUSON. I yield.

Mr. GOLDWATER. Any time an engine is run below its rated percentage of power for the purpose of flying slower or driving slower, less fuel is used. Fuel is not the only cost involved. The cost that the airline is interested in is the per-passenger-mile cost.

If you fly subsonically across the Atlantic Ocean, I think the cost could go three times as high per passenger mile. But if you fly at supersonic speed, I think the cost would be much less than we find today on craft such as the 707, DC–10, and so forth.

Mr. PERCY. Then, I was correct in my assumption, and the data I have seen is that it is approximately three times higher.

How far out would an SST—say it is coming in from London to New York—have to decelerate and cut down below its optimum operating ratio?

Mr. MAGNUSON. The best information we have is that it would be at least a hundred miles before entering the terminal area airspace.

Mr. PERCY. Of course, if it is in a pattern, as many planes are held, because of inclement weather, because of overcrowding at Kennedy, Los Angeles, and O'Hare, which is probably one of the worst—anything that came into Chicago, which is an international airport, would have to go subsonic a hundred miles out over the ocean, subsonic a thousand miles across the country—or 700 or 800 miles. Then, if it is in a holding pattern over O'Hare, it would have to go subsonic, at a cost approximately three times what the cost would be for, say, fuel consumption on a 707 or 747.

Mr. MAGNUSON. Not necessarily. The cost would not be any higher than that of a subsonic plane in a pattern over Washington airport, where they are stacked up. It costs money to run any plane around in circles.

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

Mr. MAGNUSON. I yield.

Mr. GOLDWATER. These aircraft will meet all the present requirements of control speed—namely, keeping it under 250 miles an hour—in control areas such as the Washington Control Center, New York Control Center, and so forth. So when we talk about passenger mile cost, the takeoff, the climb, the cruise, and the letdown are all figured in that.

So far as the aerodynamics of slowing it down are concerned, once you have reduced the power—let us say below 90

percent—you are going to go back through into the subsonic stage, and this could be done any distance out. In fact, this would not be determined by the airline. This would be determined by the air traffic controller.

Last night, flying from Mexico, we made one descent 500 miles south of here and another descent right into the pattern. It depends upon the pattern condition. But that is part of the general overall cost of running an airplane.

Mr. MAGNUSON. The airlines considered all this when they placed their orders.

Mr. GOLDWATER. That is correct.

Mr. MAGNUSON. As to whether this would be economical. As a matter of fact, most of the economic projections are that the air fare could be the same as the 707 or 747 fares of today or perhaps even less. The airlines can use the airplane twice as much as they use the 747.

It will not be the way it was with the first jet. We used to have to pay a special fee, a surcharge, to fly on the first jet. It was said then that perhaps people would not fly on the jet because it is faster, but people were lined up to get on the jets, and nobody wanted to travel on the other planes. That is the history of the evolution of generations of airplanes.

I am glad the Senator from Illinois has given me an opportunity to speak about Boeing. He said some kind words about Boeing. I am not embarrassed about that. I have known the company ever since it started down on the Duwamish River in Seattle, in a little hut. Bill Boeing was an aviation enthusiast like the Senator from Arizona.

I hope the impression is not abroad, with my colleagues, that my support of this supersonic program is solely because it is being developed by Boeing. Boeing only has one-half the contract. My colleague did not mention that. General Electric has the other half. The outside subcontracts on the airframe will be almost 70 percent of the half.

So when we talk about Boeing, we are talking about little more than 25 percent of the airframe, but the Boeing management will supervise the subcontractors. We are talking about a very broad spread of companies in developing this airplane.

I do not like to repeat this, but I want to say this so that there will be no misunderstanding. I did not start the SST. I was called in by President John Kennedy at one time—I was handling the NASA appropriation in the Senate—and he said:

> I think you ought to put some money into some research programs to begin research on development of the SST.

I believe that was 9 years ago.

The Senator from Colorado and I—he was the ranking minority member—did that. I think we began with $11 million. We provided research money and eventually it was decided the SST was feasible. The President of the United States then said to me, "We are way behind now"—and we were—"and we ought to get started."

It will be recalled that President Kennedy went to Colorado Springs and made a major speech about this new airplane. He said America was going to maintain its air superiority and that we were going to begin this important new project. That was 8½ or 9 years ago. We have gone ahead.

I did not know then who was going to get the airframe contract. There was fierce competition among many companies. I think 119 experts finally decided it, between Lockheed and Boeing, and it was a very close decision. I did not know which of the six companies would get it. Boeing happens to have won, but I would strongly support the supersonic plane if it was being developed at Lockheed or North American or anywhere else.

This is a great deal like the merchant marine situation.

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

Mr. MAGNUSON. I will yield in a moment.

I went through this. We had the emphasis in World War II. We had the finest merchant marine in the world. Later we quit, and we never have been able to recover.

So far as American air superiority is concerned, I think that if we should quit this program now, we will never get back in the picture.

Mr. PERCY. If I can finish this query, I will yield.

Mr. MAGNUSON. It is similar to the American merchant marine situation. They did not pay any attention to it, and all this foreign competition grew up. Now we are struggling to get back.

I think that in this generation of airplanes we have to go ahead. I would not care whether Boeing had the contract or someone else.

Someone has said, "Why do we not fund it privately?" We know that one country in Europe could not fund it. They had to have two and now they are adding West Germany for Concorde, but the Russians, of course, can finance anything. They just send out a directive. That is why it is difficult. I sometimes think that if two companies had gotten together on this, it might have been easier, but the Senator from Illinois knows how fierce the competition is among aircraft companies. He knows how fierce business competition is. I just wanted to explain that.

Now I am happy to yield to the Senator from Nevada (Mr. CANNON).

Mr. CANNON. Mr. President, Lt. Gen. Ira Eaker, retired, recently made a statement regarding the SST that I believe all the Members of this body should know about. He states that the upcoming vote on this aircraft will be the most significant decision for civil aviation since Congress passed the first Civil Aviation Act in 1926. He believes that the national interest demands that funds be provided to continue the SST program.

General Eaker has made a great record for himself serving his country, and while his credentials to speak with authority on aviation matters are well known, I want to point out some of them here.

He was Deputy Commanding General of the Army Air Forces and Chief of the Air Staff when he retired. During World War II he was air commander in chief of the Mediterranean Allied Air Forces, and later commander of our 8th Air Force. He has been a pilot since 1918, and holds many decorations from the United States and our Allies.

Mr. President, I ask unanimous consent that General Eaker's statement be printed at this point in the RECORD.

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

THE NEXT ROUND IN SST BATTLE

(by Ira C. Eaker)

Soon after Congress reconvenes it will authorize or deny funds for the supersonic transport (SST) program. This will be the most significant decision for civil aviation since Congress passed the first Civil Aviation Act in 1926.

It will determine whether the U.S. is to relinquish its leadership in international civil air transport production, a position it has held since World War II. Presently 85% of transport aircraft on the Free World airlines are U.S. built. This has provided a favorable annual trade balance of nearly $3 billion.

In the earlier debate on the SST program its opponents have claimed that it is impractical because of its sonic boom, that it is a frill for the jet set since only the rich can afford its fares, that it should be developed, if at all, by private capital alone, and that the proposed contribution by the Federal Government should be spent instead for welfare or anti-poverty programs.

Patiently the responsible government agencies and interested committees of Congress have examined each of these and all other challenges to the SST and found them invalid.

The sonic boom is no rational deterrent to this program since this plane will not be permitted to fly over land at boom producing speeds until technology solves this handicap, as it inevitably will, just as it overcame the earlier sound and heat barriers. In the meantime, the transoceanic, intercontinental requirement for the SST will be at least 500 planes at which time the U.S. will have recovered every cent of its investment plus interest at 6%.

The "Jet Set" charge is ridiculous since the greater SST productivity, more than double present jets, will make fare increases unnecessary.

The private capital contention likewise vanishes upon examination. No single company in the aviation industry can afford the $3 billion investment during the eight years before airplane sales would return the experimental and test cost. Anti-trust laws would prevent a combination of the aerospace industry for this purpose.

Government support for a national program of this magnitude is not unique. This is exactly how the Hoover Dam, the TVA and other such profitable national programs were sponsored.

The opponents of the SST program, having failed to defeat or delay it with these earlier arguments, are now concentrating on the contention that it will pollute the atmosphere, alter the weather or induce radiation dangers.

There is presently no proof that the SST will be environmentally offensive or endanger life on earth. The weight of scientific opinion refutes such theories.

Jet aircraft provide the cleanest means of mass transportation. The SST will enhance this advantage since its engines are smokeless.

The approach and take-off noise of the SST over communities will be only about half as annoying as present international jets. Radiation dangers for crew and passen-

gers will be less, since exposure, flight duration, will be cut in half.

Twenty-four congressional committees have examined all the arguments against proceeding with the SST and all have recommended that it continue, on the basis that its advantages greatly outweigh all valid disadvantages.

Economically it is a national imperative. It will give employment eventually to 150,000 people annually. This is especially significant since the work force in the aerospace industry has recently been cut by 100,000.

The annual tax revenue derived from the SST operation is estimated at $12 billion annually by 1980.

These estimates are not made by inexperienced visionaries but by the same representatives of government and industry whose estimates of aviation growth in the past have always been conservative.

The national interest demands that Congress provide the funds to continue the SST program as planned.

Mr. PERCY. Mr. President, will the Senator from Washington yield to me further, so that I can complete one or two more questions I have?

Mr. MAGNUSON. I yield.

Mr. PERCY. I have tried to establish the fact that we are going to have to avoid land areas and island areas if they are populated. I would like to ask now, what kind of problem that would present to the navigation of an SST.

I have just returned from a trip that must have been 18,000 miles, and during the journey I tried to figure out, going from Finland down to Ethiopia and then from Lagos to Nigeria and then up to London, whether I would save time if I went on an SST, as I understand that the SST will not be able to fly over land areas or island areas if they are populated, and during my trip we certainly went over many populated areas. The SST would have to go out of its way so that I believe its range would have to be somewhat limited.

I ask the question, What is the estimated range of the SST as now being developed by Boeing as against the range of the 707 and the 747?

Mr. MAGNUSON. I believe it is roughly comparable to the range of the 747.

Mr. GOLDWATER. That is right. They are all about roughly in the same range, which is the range of crossing the Atlantic Ocean either way. Over the Pacific it would probably be with two stops.

They have already added to the fuel capacity of the airplane, anticipating that the Russian plane and the Concorde will be doing that if they are not already doing it; so that it is really no problem to build additional range into the airplane. When the prototypes have been completed, the engines, which we do not have yet, will be tested and we will be able, then, to build a stretch version, which they are already planning on, to increase the fuel load. So that there is no problem there.

The Senator from Illinois mentioned navigation. Speed has no effect on navigation. One has to plan that he will get there sooner.

Mr. PERCY. That is based on avoiding island areas and land areas if they are populated.

Mr. GOLDWATER. Say they are crossing the ocean and over the Azores, they would either have to avoid the Azores, which I think they would do, or slow down the airplane to subsonic speed when they go across land areas. When we are talking about subsonic speeds, we must remember that the speed of sound is 666 miles an hour at sea level—the speed of sound is 760 miles an hour at sea level.

When we talk about cruising at .85, which is about what the 747 does, it can go up to .99—I remember asking the pilot why he did not go up to that and he said, "I am chicken." But they cruise at .95, which is very fast, and there would be no sonic boom at all. It would be faster than the 707 or the 747 flies today but it would really make little difference in the total time consumed, flying in this aircraft.

Mr. PERCY. I thank the Senator from Arizona. Mr. President, one last question that I should like to ask of my distinguished colleague from Washington, as to whether it is his intention to bring a vote forward tomorrow, as was originally scheduled on the SST itself.

Mr. MAGNUSON. I cannot answer that. I would like, necessarily, to vote as soon as possible, but this SST is only one of the facets of the bill. There are many other items in the bill, some controversial, some important.

Mr. PROXMIRE. Mr. President, if the distinguished Senator from Washington would yield right there, on that point, we have in the Chamber, right now, the distinguished majority leader and the manager of the amendment. I have the amendment to delete the $290 million for the SST and I can call up the amendment as soon as possible, if the Senators from Washington, the Senator from Nevada, the manager of the bill, and the majority leader cooperate, so that I think maybe we could have a vote at 2 or 3 o'clock tomorrow on it.

Mr. MANSFIELD. If the Senator will yield, in response to the question raised by the Senator from Illinois, it is the intention to lay before the Senate the Department of Transportation appropriation bill tonight and start on it tomorrow, as the Senate has been notified.

Mr. MAGNUSON. Then we should get at this sometime in the afternoon. I do not know whether we can do so exactly at 3 p.m. I may want to talk a little longer on it. I have not had too much to say about the SST on the Senate floor yet. The Senator from Illinois and the Senator from Wisconsin both have had a great deal to say about it. I do not seek to catch up with them wordwise, but I do want to make a few points.

Mr. PERCY. No one underestimates the fact that the distinguished Senator from Washington does not have to say many words, because his words are powerful, indeed.

Mr. President, I should like to ask the distinguished Senator from Washington if he would add my name as a cosponsor to S. 4547, because it is a bill in the public interest, highly desirable and timely, indeed, and a good predecessor to the vote tomorrow.

Mr. PROXMIRE. Mr. President, I should also like to have the permission of the distinguished Senator from Washington to be added as a cosponsor of this fine proposal to outlaw the Sonic Boom over the United States.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the names of the Senator from Illinois (Mr. PERCY) and the Senator from Wisconsin (Mr. PROXMIRE) be added as cosponsors of the bill.

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

Mr. MAGNUSON. Mr. President, I move adoption of the committee amendments which are technical in nature. They do not in any way change the substance of the bill.

Mr. PROXMIRE. Does that include the amendment which the Senator sent to the desk?

Mr. MAGNUSON. No. I have not taken that up yet.

The PRESIDING OFFICER (Mr. CANNON). Is the Senator from Washington asking unanimous consent that the committee amendments be considered en bloc?

Mr. MAGNUSON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is the Senator from Washington expressly asking for the yeas and nays on final passage of the bill?

Mr. MAGNUSON. Final passage, yes, Mr. President.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senate has not yet agreed to the committee amendments en bloc. Will the Senator ask unanimous consent that they be considered and agreed to en bloc?

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

Now the clerk will state the amendment of the Senator from Washington.

The legislative clerk read as follows:

On page 4, after line 9 insert a new subsection (i):

"SUPERSONIC TRANSPORT PROGRAM NOISE LIMITATION

"The Department of Transportation shall modify its contracts with the contractors for the civil supersonic transport development program to provide that the contracts will not be satisfactorily completed until the contractors demonstrate that all production models of the prototype can operate in compliance with appendix C of Part 366 of the Federal Aviation Regulations now restricting takeoff, approach and sideline noise created by new subsonic jet aircraft as in effect on the date of enactment of this subsection."

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

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

Mr. MAGNUSON. I yield.

Mr. PROXMIRE. Mr. President, the amendment says that the contracts will not be satisfactorily completed until the contractors demonstrate that the SST meets certain noise requirements. What

does that mean? Does it mean that no funds would be paid beyond a certain point? What protection is afforded the Government and the taxpayer by this amendment?

Mr. MAGNUSON. The contractor would be in default.

Mr. PROXMIRE. When?

Mr. MAGNUSON. He would be in default if it was determined that the aircraft did not come up to the noise limiting specifications. The FAA could not certificate the airplane.

Mr. PROXMIRE. The payments are made under the contract. The progress payment are made.

Mr. MAGNUSON. This would not affect any progress payments. This matter would only come up near the completion of the contract.

Mr. PROXMIRE. Is that after the prototypes are ready?

Mr. MAGNUSON. The Department of Transportation would make some tests first before they did this.

Mr. PROXMIRE. So, the Federal Government would be out of the funds at that point. The company would be in default on the contract and the Government would be in the position perhaps that it got into with Lockheed where we would have to try to collect the money from the corporation. Would that be the situation?

Mr. MAGNUSON. No. If the FAA did not certificate the airplane, the contractor would be in default.

Mr. PROXMIRE. But during that period, payments would be made to the Boeing Corp.

Mr. MAGNUSON. Yes. I wish the Senator would say Boeing and General Electric.

Mr. PROXMIRE. The Senator is correct. I mean all producers.

Mr. MAGNUSON. They could not ascertain this until they got near the end of the development program and until they knew something about actual noise created.

Mr. PROXMIRE. I do not think that this provides substantial protection for the taxpayer, but I think that it is better than nothing.

Mr. MAGNUSON. This would make the regulations now applicable to noise allowed for the new subsonic jets apply to the SST production models. This means that the SST production models would have to be quieter in all respects than the 707 or even the 747.

Mr. PROXMIRE. I am glad that the Senator says that.

Mr. MAGNUSON. This is all it does.

Mr. PROXMIRE. I understand. However, that is not in the amendment that the Senator sent to the desk. The amendment provides that the SST must operate in compliance with appendix C of par. 36 of the Federal Aviation regulations now restricting takeoff, approach, and sideline noise.

My point is that appendix C is made by the FAA regulations. They could modify that to provide for 124 decibels which is the crashing noise now made by the SST.

Would the Senator agree to writing in 108 decibels, which I understand is now the limit on the noise permitted for the subsonic jets.

Mr. MAGNUSON. What I am trying to suggest is the language of my amendment, I think, in effect, accomplishes the change you are advocating. We had legislative counsel draw it up. The new SST production models would have to be quieter or at least as quiet as the 707's and 747's. That is, they would have to operate at noise levels not to exceed 108 effective perceived noise in decibels which is the standard which must now be met by all subsonic aircraft certificated after 1970.

Mr. PROXMIRE. I agree completely with the intention. However, my point is that this language could leave a loophole. In order to rivet it into this, why not write into the language that they must operate within 108 decibels of noise on approach, takeoff, and sideline.

If we had that written in, then we would have protection. I think it would greatly improve the bill.

Mr. MAGNUSON. The 108 decibels would be effectively enacted by the enactment of this amendment.

Mr. PROXMIRE. That is exactly my intention. However, it would be possible by administrative regulation to vary it. And they have varied the limitations in the past. We know that the FAA is a strong proponent of the SST. We all know that the testimony is overwhelming that they have not solved the sideline noise.

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

Mr. MAGNUSON. I yield.

Mr. MURPHY. If we were to provide that the decibels for the SST should never be greater than for the subsonic jets now in operation, would that satisfy the Senator?

Mr. PROXMIRE. Mr. President, the difficulty is that the FAA can vary the regulation.

Mr. MAGNUSON. Mr. President, when this is enacted, it sets noise standards for the SST as they apply today to new subsonic aircraft. It makes present regulations law, as applied to the SST. If Congress wants to change the law, it would have to be changed by Congress, 3, 4, 5, 6 years from now, or 10 years, whenever it may be. Once this amendment is enacted into law, it freezes the noise level allowable for SST operation and that level cannot be changed.

Mr. PROXMIRE. Mr. President, why not assure the country by writing it into law that we are talking about 108 decibels which is now the limitation?

Mr. MAGNUSON. This amendment would freeze it at that figure.

Mr. GOLDWATER. Mr. President, would the Senator yield?

Mr. MAGNUSON. I yield.

Mr. GOLDWATER. Mr. President, where does the Senator get the 124 decibels at this point?

Mr. PROXMIRE. The 124 decibels is the figure described by the Department of Transportation as the noise made by the SST on the sideline.

Mr. GOLDWATER. That is strange. They have not even finished the engine as yet. No one knows what the noise level will be. I will bet the Senator that if it does anything—I will make the Senator a private wager—it will be quieter than the 747. I remember the same argument being made about the 747 2 years ago.

It was said that we would have to close every airport in the United States because of the high decibellic noise level. It was found on the contrary that it was much quieter than the 707.

I admit that there will be noise problems on takeoff, but I think we will have a much quieter airplane. I do not think it will be even 100 decibels.

Where did the Senator secure the information about the 124 decibels?

Mr. PROXMIRE. The figure came from Mr. MacGruder. He is an outstanding expert on the SST. He said it would be 124 decibels.

Mr. GOLDWATER. He is guessing.

Mr. PROXMIRE. It is a pretty educated guess. It will have an effect of approximately the equivalent of three to four times the noisy subsonic jets. Some people say it will be 50 times.

Mr. GOLDWATER. Mr. President, if there were some way we could outlaw thunderstorms, it would be a big benefit.

Mr. PROXMIRE. Mr. President, why not say what the agreement is? It ought to be in the law.

Mr. MAGNUSON. It will be in the law. It takes effect upon the enactment of the amendment.

Mr. PROXMIRE. Why not tell the FAA they cannot change the noise regulations without coming to the Congress?

Mr. MAGNUSON. They cannot do so for the SST under this amendment.

Mr. PROXMIRE. They changed them on the 747. I want to make the legislative history.

Mr. MAGNUSON. This is written as well as we could write it. It freezes it into law present regulations the day this is enacted. 108 decibels will be the highest noise permitted of production SST's if this amendment is approved.

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

Mr. MAGNUSON. I yield.

Mr. PERCY. Mr. President, I think that the Senator has helped to clarify the matter.

I had the same question. I am fully satisfied with the legislative history being established. We are talking about the specific figure of 108. That is the figure that would be in effect as of the date of enactment of the law. Certainly the FAA would not attempt to change it between now and the time of the enactment.

Mr. PROXMIRE. Mr. President, I am most reassured now that the Senator from Illinois and the author of the amendment have assured me of that. That is strong legislative history. I cosponsored this bill because we have been many years trying to do exactly this. The Senator from New Jersey (Mr. CASE) tried to do this a long time ago. I have always supported the effort to try to get a law to limit sonic boom. Now, we have something which is significant; a law to limit the sideline noise of the SST.

But I submit to the Senator from Washington this is a very strong reason

for voting for my amendment to knock out SST funds tomorrow. Here is why. We are told by the experts that the SST has a serious problem of sideline noise which they have not been able to solve. That means we are throwing about $290 million down the rathole.

Furthermore, we are told that if the plane cannot fly over land—and the Senator from Illinois made a fine case on this point—it will not be a success. Dr. John Walgreen testified on this point. You will only sell 139 SST's, so an economic expert working for the Defense Department testified the Federal Government will lose every nickel if the SST cannot fly over land.

Mr. MAGNUSON. There is testimony, of course, which is completely opposite to that which the Senator has cited. I do not know who Dr. Wallgreen is. I know all the airline operators in the United States are going to say they think it is economical.

Mr. GOLDWATER. On the economic question we are talking about subsonic cruise speeds of anything under one. That could be .99. You are talking about 7.5 miles an hour when you talk about .1. The Senator says it cannot be operated economically over land. We are saying it can be operated economically over land at .82 and .85. We are talking about cruising speeds of anything under mach 1.

I do not agree with these mathematicians and economists who come up with the idea that an airplane that we will fly 4 or 5 years from now cannot be flown economically over land.

Mr. PROXMIRE. The Senator from Illinois said earlier that fuel consumption would be great. My argument is that this plane cannot fly on the meat and potatoes routes. Rather it will be a plane on the glamour route for those going to London and Paris. The real payoff routes are transcontinental routes from coast to coast. Here is where the route airline money is. You cannot fly the plane over Europe, Asia, or Africa. You can fly it over open areas which will limit the plane and which will provide very small economic opportunity, and it creates a situation in which the taxpayers stand to lose not $290 million but the $1 billion the Federal Government will have put into the SST if we go ahead.

Mr. GOLDWATER. What are we talking about here is roughly a difference that could run between 50 and 70 miles an hour. This SST can be operated at subsonic speeds over land. I am convinced, but I would rather wait until we test and know more about it, that it will be economically feasible even if we cannot fly it at supersonic speeds over land. It will still be faster over land than anythink we have flying from New York to Los Angeles and Chicago. I would not envision this airplane being used over short hauls, such as being used in the United States. I can see it on flights from New York to Los Angeles, but the principal use will be on ocean flights or polar flights.

I cannot buy the idea that this is a jet-set aircraft. I have heard that about every piece of transportation we have had starting with the Model T Ford. It has been said that it is designed for rich people. We built the Erie Canal, the Chesapeake & Ohio Canal, and the St. Lawrence Seaway. We have been building for the people of America and we build things for the use of all Americans. I think it will benefit everybody.

Mr. PROXMIRE. Is the Senator seriously arguing to build this expensive and exotic plane that costs $40 million or perhaps $50 million a copy—perhaps far more with its new brush titanium honeycomb skin—and designed to fly at supersonic speeds and that it be flown at subsonic speeds in competition with the 747?

Mr. GOLDWATER. Yes. I am not arguing that we are going to fly it on those routes. I doubt it.

Mr. PROXMIRE. I doubt it, too.

Mr. GOLDWATER. But we can use them on transworld flights across the oceans. That is what it is designed for. It will not be used for supersonic speeds over land. Nobody is advocating that.

I think the Senator from Washington has made a fine proposal. I have been able to keep my promise to the Sierra Club.

Mr. PROXMIRE. Ask them if they approve of this with the Magnuson amendment in it.

Mr. GOLDWATER. I have debated this with clubs all over the country and I do not think I have failed to convince any of them that when you get rid of all the hogwash this is a good airplane and that it will do the job it is supposed to do. I am surprised at my friend from Wisconsin. I have always seen him as a great progressive but now he wants to go back to the 747, 707, and 727; I am a conservative and I am supposed to be living in the days of McKinley but I want to go ahead with this project.

Mr. PROXMIRE. I am shocked by the Senator, who is a defender of free enterprise in our economic system and who knows that American aviation has a remarkable record of selling overseas and has been free of subsidies in production of aircraft. This is the first time we have gotten in with the heavy hand of bureaucracy. If the Federal Government goes into subsidizing the SST, as the Senator from Illinois pointed out this morning, we are in trouble.

Mr. MAGNUSON. We have subsidized our air transportation.

Mr. PROXMIRE. I am talking about production.

Mr. MAGNUSON. That is all included. If we did not subsidize the major airlines they could not have developed the airplane. What is that airline up in the Senator's State?

Mr. PROXMIRE. And, of course, the airlines are in bad shape. I am talking about production.

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

Mr. MAGNUSON. I would like to yield the floor. I think that we should vote.

Mr. PERCY. I would like to address myself to one point. It may be nitpicking, but I want to establish the legislative history so there will be no doubt about it. On page 3 of the bill under consideration, on lines 21, 22, and 23, it is stated:

Upon the completion of the United States civil supersonic program to develop and fully test two prototype aircraft, the Secretary of Transportation shall prepare and transmit to Congress and to the public a report covering all aspects of the prototype program.

That presumes that the appropriation bill would be approved when it comes before the Senate. I want the record clear that there is no presumption, there is no authority to continue that program, or that the Senate is committing itself by voting for this bill with this paragraph to a continuation of the SST.

Mr. MAGNUSON. I can answer the Senator quickly. There is no money in this bill. I wish there were. Every year it has to have an appropriation and every year we go through the same thing, whether it is a subsidy for the railroads—Chicago is going to be the hub in transportation—airlines, or the merchant marine subsidy or inland waterways; all the things we had to subsidize to the tune of billions of dollars to give America a good transportation system.

There is no money in this bill. Naturally they have to come back to the Committee on Appropriations.

Mr. PERCY. I thank the Senator.

I have a final comment I wish to address to the Senator from Wisconsin. In looking at the SST routes put out by the Boeing Co. In connection with the three continents over which I have traveled in the past 3 weeks, I cannot find any routes from Africa to London. The only route we could have taken would have been New York to London; but it is interesting to note that in connection with the popular routes connecting really long flights in this country, New York to San Francisco. There is no polar route. So the routing for the SST is London to New York supersonic, and then all the way across the country on a diagonal 3,000 miles at subsonic speed, and I say at three times the cost of the fuel for a 747 or similar airplane. So there is a very big factor as to whether this is an economically viable aircraft.

Mr. PROXMIRE. And this does nothing to take care of the serious problem of pollution caused by the SST flying at 60,000 feet. At that height as emissions disintegrate more slowly, the atmosphere is heated, moisture increases, protective ozone is partly destroyed and radiation increases. The result is a possible increase in skin cancer, as a group of scientists said just yesterday. This bill provides no sonic boom protection, of course, for the North Atlantic, which my colleague (Mr. NELSON) brought out so brilliantly yesterday in the press conference. Scientists said at that press conference it could have a tragic effect on fishing and shipping in the North Atlantic.

I am for the amendment. It is a good amendment, but it leaves many things undone, and it significantly reduces the economic potential of the SST.

Mr. MAGNUSON. We just passed the Air Quality Control Act, and all aircraft are under the jurisdiction of that bill—the SST or an automobile going from here to Los Angeles which spews out more pollution than an airplane.

Mr. GOLDWATER. Mr. President, if the Senator will yield, an SST cruising at 60,000 feet—I do not not think it will be able to cruise much above—will leave

less emissions than three cars traveling at 60 miles an hour. I had the experience of flying at mach 3, which is 2,200 miles an hour, in formation with another airplane going at the same speed, where we encountered great turbulence and shears, but what came out of the tailpipe at 80,000 feet? Nothing.

Mr. PROXMIRE. We put in the RECORD this morning testimony from Mr. James Beggs, Under Secretary of Transportation which showed that the SST will cause substantially more pollution per mile traveled, for every significant chemical emission, than any subsonic jet.

Mr. GOLDWATER. Nobody knows that. Nobody has tested it.

Mr. PROXMIRE. That is what the Department of Transportation, all-out proponent of the aircraft admits.

Mr. GOLDWATER. I am giving a personal experience.

Mr. PROXMIRE. Of course, the point is that it would be flying at 60,000 feet, where the atmosphere is thin, and these emissions have much more effect than at 25,000 feet, where the atmosphere disintegrates the pollutants more rapidly. It is at 60,000 feet where the damage is done to the ozone, about which we have had great concern because of the radiation effects.

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

Mr. MAGNUSON. I yield.

Mr. FONG. As the Senator knows, my State is situated in mid-Pacific. We have seven main islands extending 250 miles. We are very worried about supersonic boom. Will there be supersonic boom when the plane lands?

Mr. MAGNUSON. No.

Mr. FONG. Will there be supersonic boom when the plane leaves?

Mr. MAGNUSON. No.

Mr. FONG. Will there be supersonic boom flying over our islands?

Mr. MAGNUSON. No. This amendment prohibits that.

Mr. FONG. In every case it prohibits it?

Mr. MAGNUSON. Yes.

Mr. FONG. So the island people will be protected from supersonic boom?

Mr. MAGNUSON. Yes. All the planes can do for the people of the islands is get tourists there faster.

Mr. STEVENS. Mr. President, today I am voting to prohibit the SST from flying at supersonic speeds over the continental United States. Thus, even though it has never been shown that flying at supersonic speeds over our continent would be dangerous, this bill eliminates any possibility of adverse results arising from such a flight. The SST will fly over land at a speed of about 700 miles an hour. This is too slow to create a sonic boom effect.

Alaska is the gateway for air traffic to the Far East and, in some cases Europe. Alaskans want to be assured that they will not suffer the annoyance of the sonic boom. I hope that this bill with its restrictions will reassure all who are worried about noise, pollution, and property destruction that they have no need to worry about sonic booms when the SST begins flying.

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

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

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

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

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Georgia (Mr. RUSSELL), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Rhode Island (Mr. PELL) are absent on official business.

I further announce that, if present and voting, the Senator from Louisiana (Mr. ELLENDER), the Senator from Alaska (Mr. GRAVEL), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Arkansas (Mr. FULBRIGHT) would each vote "yea".

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) and the Senator from Kentucky (Mr. COOPER) are absent because of death in their respective families.

The Senator from Colorado (Mr. DOMINICK), the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD) and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

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

If present and voting, the Senator from Kentucky (Mr. COOPER), the Senator from Oregon (Mr. HATFIELD), and the Senator from Colorado (Mr. DOMINICK) would each vote "yea".

The result was announced—yeas 77, nays 0, as follows:

[No. 410 Leg.]

YEAS—77

| | | |
|---|---|---|
| Aiken | Curtis | Holland |
| Allen | Dole | Hollings |
| Allott | Eagleton | Hruska |
| Baker | Ervin | Hughes |
| Bennett | Fannin | Inouye |
| Bible | Fong | Jackson |
| Boggs | Goldwater | Javits |
| Brooke | Goodell | Jordan, N.C. |
| Burdick | Gore | Jordan, Idaho |
| Byrd, W. Va. | Griffin | Kennedy |
| Cannon | Gurney | Long |
| Case | Hansen | Magnuson |
| Cook | Harris | Mansfield |
| Cotton | Hart | Mathias |
| Cranston | Hartke | McCarthy |
| McGee | Percy | Stevens |
| McGovern | Prouty | Stevenson |
| Metcalf | Proxmire | Symington |
| Miller | Randolph | Talmadge |
| Mondale | Ribicoff | Thurmond |
| Moss | Schweiker | Tower |
| Murphy | Scott | Williams, N.J. |
| Muskie | Smith | Williams, Del. |
| Nelson | Sparkman | Young, N. Dak. |
| Pastore | Spong | Young, Ohio |
| Pearson | Stennis | |

NAYS—0

NOT VOTING—23

| | | |
|---|---|---|
| Anderson | Eastland | Mundt |
| Bayh | Ellender | Packwood |
| Bellmon | Fulbright | Pell |
| Byrd, Va. | Gravel | Russell |
| Church | Hatfield | Saxbe |
| Cooper | McClellan | Tydings |
| Dodd | McIntyre | Yarborough |
| Dominick | Montoya | |

So the bill (S. 4547) was passed, as follows:

S. 4547

An act to provide for regulation of public exposure to sonic booms, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Federal Aviation Act of 1958, as amended, is further amended by adding to section 307 the following new subsections:

"Civil Aircraft Sonic Boom

"(g) (1) No person may operate a civil aircraft at a true flight mach number greater than 1 except in compliance with the conditions and limitations in an authorization to exceed mach 1 issued to the operator under this subsection.

"(2) For a research and development flight in a designated flight test area an authorization to exceed mach 1 may be issued if the applicant shows one or more of the following:

"(A) The flight is necessary to show compliance with an airworthiness regulation or is necessary for aircraft development.

"(B) The flight is necessary to determine the sonic boom characteristics of the airplane, or is necessary to establish means of reducing or eliminating the effects of sonic boom.

"(C) The flight is necessary to demonstrate the conditions and limitations under which speeds greater than a true flight mach number of 1 will not cause a sonic boom to reach the surface.

"(3) For a flight outside of a designated flight test area, an authorization to exceed mach 1 may be issued if the applicant shows conservatively that the flight will not cause a sonic boom to reach the surface of the United States, excluding the territorial waters thereof, when operated under conditions and limitations demonstrated under paragraph (2) (C), and shows that those conditions conservatively represent all foreseeable operating conditions.

"(4) An application for an authorization to exceed mach 1 must be made in a form and in a manner prescribed by the Administrator. In addition, for an authorization covered by paragraph (2) of this subsection, each application must contain:

"(A) Information showing that operation at speeds greater than mach 1 is necessary to accomplish one of the purposes specified in paragraph (2) of this subsection;

"(B) A description of the flight test area proposed by the applicant; and

"(C) Conditions and limitations that insure that no sonic boom will reach the surface outside of the designated flight test area.

"(5) An application for an authorization to exceed mach 1 may be denied if the Administrator finds that such action is necessary to protect and enhance the environment.

"(6) An authorization to exceed mach 1 is effective until it expires, or until it is surrendered, and may be terminated by the Administrator whenever he finds that such action is necessary to protect and enhance the environment.

"Report by the Secretary

"(h) Upon the completion of the United States civil supersonic program to develop and fully test two prototype aircraft, the Secretary of Transportation shall prepare and transmit to the Congress and to the public a report covering all aspects of the prototype program. The report shall include a detailed analysis of the economic, international, transportation, and environmental consequences that could result from the commercial production or nonproduction of a United States civil supersonic aircraft, and shall include recommendations for any legislation or international agreements deemed necessary to insure a balanced national transportation policy which is efficient, productive, economic, and environmentally safe and sound.

"Modification of Contracts

"(i) The Department of Transportation shall modify its contracts with the contractors for the civil supersonic transport development program to provide that the contracts will not be satisfactorily completed until the contractors demonstrate that all production models of the prototype can operate in compliance with appendix C of part 36 of the Federal Aviation Regulations now restricting takeoff, approach and sideline noise created by new subsonic jet aircraft as in effect on the date of enactment of this subsection."

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of S. 4547.

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

## DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1381, H.R. 17755. I do this so that the bill will become the pending business.

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

The legislative clerk read as follows:

A bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. MANSFIELD. Mr. President, the opening statement will not be made, I understand, until tomorrow.

## EXECUTIVE SESSION

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination which was reported earlier today.

There being no objection, the Senate proceeded to the consideration of executive business.

## ENVIRONMENTAL PROTECTION AGENCY

Mr. RANDOLPH. Mr. President I ask that the nomination at the desk be read.

The PRESIDING OFFICER. The clerk will state the nomination.

The legislative clerk read the nomination of William D. Ruckelshaus, of Indiana, to be Administrator of the Environmental Protection Agency.

Mr. BOGGS. Mr. President, on behalf of the distinguished Senator from Kentucky (Mr. COOPER), who is absent because of a death in his family, I ask unanimous consent to have printed in the RECORD a statement by him concerning the nomination of Mr. William D. Ruckelshaus to be Administrator of the Environmental Protection Agency.

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

STATEMENT OF SENATOR COOPER

Mr. President, today the Senate takes up the nomination of Mr. William D. Ruckelshaus to be the Administrator of the Environmental Protection Agency. This is the first time the Senate has considered any nominee for this position as the Environmental Protection Agency which has become a legal organization only today, was created by the Reorganization Plan No. 3 submitted by the President on July 9 of this year.

The Administrator of the Environmental Protection Agency will occupy perhaps the most difficult office in the Executive Branch. Not only has the concern over environmental quality grown to great proportions and the consequent demands of the public increased; the quality of the environmental control legislation become more complex and regulatory in nature.

To fill this demanding position the President nominated Mr. Ruckelshaus, who came before the Committee on Public Works, on which I serve as ranking minority member, for two days of hearings, Tuesday and Wednesday of this week. He impressed all of the members of the Committee with his great ability, his understanding of the issues involved, and his firm commitment to carry out the environmental control programs enthusiastically and vigorously. There have been few, if any, nominees before the Senate that have impressed me as has Mr. Ruckelshaus.

The President is to be complimented and commended for his selection.

Although having had only a relatively short time to prepare, and without any previous Administrator or staff to help counsel and advise, Mr. Ruckelshaus has done an outstanding job of attaining tremendous understanding of the programs and policies now being separately administered by the fifteen agencies that were brought together to form the Environmental Protection Agency. After both personal meetings with Mr. Ruckelshaus and the hearings, I came away with confidence that this most difficult position is in good hands and I look forward to working with Mr. Ruckelshaus, his staff, and Environmental Protection Agency as we in the Committee on Public Works continue to legislate in the areas of environmental control.

Mr. BOGGS. Mr. President, I wish to express my enthusiastic support for the nomination of William D. Ruckelshaus to be Administrator of the new Environmental Protection Agency.

Our Committee on Public Works this morning concluded 2 days of intensive hearings on his nomination. We explored in depth his ideas and thoughts on how the Environmental Protection Agency should operate. I must tell my colleagues that I have never been more impressed by any nominee who has come before the Senate. Mr. Ruckelshaus is articulate, knowledgeable, and persuasive, clearly indicating to me that he is capable of bringing to the Nation the leadership necessary if the Environmental Protection Agency is to be effective.

As President Nixon has said:

The environment must be perceived as a single interrelated system.

Mr. Ruckelshaus is the man who will effectively coordinate programs so that we can perceive our environment in that necessary manner.

I fully support his nomination and I know that he will be an outstanding administrator and serve to work effectively to bring a better environment to our Nation.

Mr. BAKER. Mr. President, I wish to join Senators in commenting on the nomination of William Ruckelshaus to be Administrator of the newly created Environmental Protection Agency. I am delighted that the Committee on Public Works has moved with such dispatch in hearing the nominee and recommending to the Senate that it consent to the nomination. I want to express, in that connection, my gratitude to the chairman of the committee, the distinguished Senator from West Virginia (Mr. RANDOLPH). I have had the pleasure and privilege of serving as a member of the Committee on Public Works since coming to Congress in 1967. The work of the committee is carried out within a really extraordinary framework of bipartisan cooperation, a cooperation which has characterized the handling of this nomination, which could so easily have become the object of partisan manipulation.

Much of the credit for this must go to the nominee himself. It is not some flight of temporary enthusiasm when I say that I can recall no nominee to any executive position in this administration or the last with whom I have been more impressed. It was clear, I think, to each member of the committee that Mr. Ruckelshaus is a man of unusual intelligence and articulateness. As important—if not more important—was the evident time and effort that he has put into learning what he could about the extraordinarily complex set of problems and programs over which he will soon preside. His ready familiarity with complex legislation still pending in the Congress was, to this Senator, most impressive.

Mr. Ruckelshaus faces a very large job. He will confront entrenched economic interests that will employ their considerable skill and resources to minimizing control of their activities. He will face entrenched public bureaucracies at every level of Government determined to protect their own fiefdoms. He will encounter budgetary authorities who are well trained at saying "no." He will be criticized by some who will say he does too much and others who will say he does too little.

But it is a job that will have its compensations. It is a job of little known

but potentially awesome authority. And it is a job whose proper execution will have a great deal to do with the kind of world his children grow up in.

As a Republican, I am proud that my party has talent of this caliber within its ranks. As an American, I am encouraged that this man will be on the job.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination?

The nomination was confirmed.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

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

## LEGISLATIVE SESSION

Mr. RANDOLPH. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

## PERSONAL STATEMENT BY SENATOR HRUSKA

Mr. HRUSKA. Mr. President, yesterday's Washington Post carried another vitriolic personal attack upon me by Jack Anderson. Recognizing as so many of us do that Mr. Anderson makes his living by the questionable business of peddling half-truths, innuendo, gross exaggeration and outright lies, I have endured his series of libelous accusations with the belief that my colleagues, my constituents and others would know me not to be the despicable character which Mr. Anderson appears intent upon fabricating.

Yesterday's column was so vicious, however, Mr. President, that I must take strong exception to it and place on the record clearly and accurately a few facts which Mr. Anderson persistently twists or conveniently ignores in pursuit of his dubious form of journalism.

Mr. Anderson clearly operates on the theory that if one repeats the big lie often enough, it will eventually be accepted. Two of his basic lies about me are:

First. That I own "bawdy movie houses," as he describes them in yesterday's column.

Second. That these movie theaters make a practice of showing adult movies, or "skin flicks" as he refers to them in yesterday's column.

These are not new lies. He spread them about me during the recent election campaign. To them, however, he has now added a third lie: That I have used my influence in the Judiciary Committee and—as he puts it—"personally intervened" to block legislation which would be detrimental to these theaters.

LIE NO. 1

Let us dissect these lies and look at them in detail, Mr. President. I do have a stockholding interest in a small company operating several movie houses in Nebraska. This interest precedes my election to the Congress in 1952. It has been a matter of public record for all of those years. Anyone who is familiar with this company, the Douglas Theater Co., and its activities, will attest to the fact that it is a well-considered, stable, and reputable firm, showing the very best movies available to the screen today.

I might interject for the RECORD at this point that I have never been involved in the management of the chain. I do not say that by way of apology, for it is a professionally operated and business-like organization. The point is made rather to clarify the record because of the repeated inferences by Mr. Anderson and by my opponents in the recent election campaign that I somehow had an active personal role in the management of theaters. I do not.

LIE NO. 2

Mr. Anderson's second lie is that these theaters reap handsome profits from the business of showing dirty movies—"skin flicks" or smut as he refers to them. This is a totally false and insidiously unfair comment on a business which has never ceased in its efforts to bring the very best product available to its patrons.

The Douglas Theater Co. has maintained a record of not showing objectionable films; those which are rated "C"—condemned—by the National Catholic Office or those which are X rated by the Motion Picture Association of America. By this longstanding policy, the company exhibits only films which are rated by the National Catholic Office as unobjectionable and those with corresponding ratings from the Motion Picture Association.

When Mr. Anderson refers to such pictures as smut, skin flicks, or dirty movies, he is in reality charging the National Catholic Office of rating such films as unobjectionable and thereby betraying its mission. This is ridiculous.

It is safe to assume that the public has much more confidence in the rating agencies than in Mr. Anderson's totally twisted and false classifications and denunciations.

A word about rating agencies. There are two major organizations in this field. Both have been in operation for decades, and they have functioned reliably and responsibly. One is the National Catholic Office, which is the successor to the Legion of Decency established in 1934. The other is the Motion Picture Association of America, also in operation for a long time. It is the film industry's self-regulating program.

Both of these organizations are heavily motivated toward the goal of maintaining a good balance and standard between unobjectionable and the objectionable product.

We will all agree there are bad movies, just as there are bad books and bad newspaper columns. And I am sure we will also agree that movie codes today are considerably different than they were a few years ago. Television and revision of many of the Nation's moral codes—or at least the attempt by some elements of our society to change our moral codes—have unquestionably brought about many changes in today's movie product. We are not here to discuss whether the product and the changes are good or bad.

The fact is that everyone in the theater business today must have a set of standards by which he operates. The Douglas Theater Co.'s standards are those of the National Catholic Office and the Motion Picture Association. They are the best official authority in existence for determination of the moral impact of today's movie product.

Therefore, Mr. Anderson's argument with movie pornography—if indeed he really has one—is not with me or with the Douglas Theater Co. It should be with the producers and exhibitors of objectionable films.

Again, let it be said that the public will look upon the judgment of the National Catholic Office and the Motion Picture Association with more confidence than they will consider Mr. Anderson's biased and self-serving descriptions. The fact remains—that the Douglas Theater Co. does not show dirty or smutty films.

LIE NO. 3

To the foregoing lies Mr. Anderson has now added a new dimension—that I secretly manipulate legislation which will affect the operation of theaters. He now accuses me of holding up legislation which he says would "outlaw salacious advertising," implying of course that the Douglas Theater Co. makes a practice of such advertising.

His implication is that passage of such legislation which is pending in Congress would be detrimental to my financial interests in the Douglas Theater Co.

The bill which Mr. Anderson refers to is S. 2074, which was introduced last year by our late colleague, Everett Dirksen. This was one of several administration antipornography bills which the Senator and I introduced at that time. Except for our decision to divide the sponsorship between us, I would have been the prime sponsor of the measure.

I have never, as Mr. Anderson charges, endeavored to delay passage of the bill. I support the bill and intend to vote for it. I have already voted for it once in the Juvenile Delinquency Subcommittee, and I suggest that this is peculiar behavior for one who is supposed to be against the bill.

I do, however, subscribe to the view of my friend, Senator ERVIN, chairman of the Constitutional Rights Subcommittee, that there should be hearings on the bill before it is reported. Why those hearings have not been held to date I am not sure. I can only say that I have had no part in the delay.

Mr. Anderson says that he had learned from other committee members that the bill was held up at my request. What Senators? I have requested no delay on the measure; this charge is completely false. Mr. Anderson's irresponsibility, therefore, besmirches not only me but my colleagues as well.

Another point with regard to this bill, Mr. President. Mr. Anderson may be an excellent fiction writer—for this is what he produces more of than anything else unless perhaps it is libel—but he is no great shakes as a legislative analyst. There is nothing in this bill whatsoever which would alter any part of Douglas Theater Co. movie advertising. It is not applicable to such situations.

In our profession of politics, Mr. President, we are somewhat accustomed to smear campaigns. Many of us have been victims of them. I underwent a pretty good one myself this year, much of it built around lies printed by Jack Anderson extending back to about last March. No matter how often the well-documented facts were cited, my opponent and some of his supporters twisted them and ignored them, perhaps learning these tricks from Mr. Anderson who is a past master at them.

I could understand the motives behind this coordinated campaign of invective when a Senate seat was at stake. Mr. Anderson has never liked the way I vote, nor the political philosophy and convictions which I hold. Thus I was not surprised at the constant smears during the campaign. They had been expected. I am somewhat bewildered at Mr. Anderson's continuing vendetta of lies. My only explanation for it is that it stems from his frustration at the failure of his campaign to defeat me in the election. It is a little early to start campaigning against me for 1976. Who knows where I will be then? Perhaps more importantly, who knows where Jack Anderson will be if newspaper editors once take a careful assessment of his column in relation to the facts.

If more editors would measure the reliability of his column as did the Washington Post Monday, his penchant for lying about public officials who do not vote his way might be somewhat inhibited. For those of my colleagues who did not notice the piece in Monday's Post, they admitted in a burst of candor that they, along with many other newspapers, had been hoodwinked by one of Mr. Anderson's most ridiculous recent exaggerations. The article referred to the so-called Anderson exposé of a week or so ago that the emergency telephones of many Governors were tapped. You may recall his implication that the FBI was listening in to most of the Nation's Governors as they conducted their daily affairs.

He set newspapers all over the country off on a fatuous witch hunt which resulted only in embarrassment to those who printed his irresponsible and thoroughly discredited "revelations."

A more revealing facet of Mr. Anderson's character comes, I submit, from such vicious personal attacks as his current one on me. Such terms as "Senate's Mr. Smut"—which is what he called me—and the implication that I place on my investments a higher priority than I do in legislating for my State and Nation—are despicable tactics which bear clear testimony to his total disregard for the practice of fair comment or decent journalistic standards.

I am aware, Mr. President, that many people tend to believe Jack Anderson's column because they have an abiding faith in the printed word, just as they tend to accept as facts the personal opinions of television or radio commentators.

In Washington, where we have ready access to the facts, we perhaps are too accustomed to the belief that everyone knows Jack Anderson's reputation and, therefore, knows much or most of what he writes is false. But elsewhere throughout the country, where there is not the wealth of information which exists here, newspaper readers may not readily recognize the false and libelous nature of his writings. The average newspaper reader might well feel that there must be some truth to what he prints; otherwise he would not be allowed to print it.

We could not expect these readers to understand that under the recent Supreme Court ruling in Sullivan against the New York Times, it is virtually impossible for a public servant to win a libel suit. One of the very few exceptions to this trend is the case of my friend from Arizona (Mr. GOLDWATER) who did win a libel verdict after the 1964 presidential campaign, but only because the things which were written about him were so obnoxious that the jury was able to overcome precedent and award him the verdict.

I think, however, he would concur that it is a difficult strain in terms of time and money to win a libel verdict and that in most cases there would be very little hope of success.

Thus writers like Mr. Anderson, whose journalistic abilities apparently are too negligible to survive by printing the truth, go their merry way spreading whatever lies strike their fancy.

This is probably not the end of Mr. Anderson's diatribe against my interest in the theater company. I do not intend to publicize his lies by responding further to them. These are the facts. They are easily documented for those who are interested. Those of Mr. Anderson's caliber could not be dissuaded by any amount of facts. Continued twisting of the facts by Mr. Anderson, however, will do him no credit nor will it do credit to the newspapers who print his lies.

MR. ANDERSON'S EFFECTIVENESS

Mr. Anderson apparently takes pride in his belief that his so-called revelations were responsible for making my recent election victory closer than it might otherwise have been. He modestly mentioned this fact in a recent column in which he reviewed his election triumphs.

There are as usual a number of flaws in his reasoning. If he were a more astute student of the election results, he would find himself hard-pressed to explain how his lies about me could account for the fact that all incumbent Republicans in Nebraska and elsewhere as well had much closer races than usual, and much closer in many cases than anticipated.

It would also be difficult to explain how it was that my opponent, whose entire campaign thrust coincided neatly with Mr. Anderson's lies, compiled a vote no larger than my Democratic opponent 6 years ago. Since my opponent this year was a three-time former Governor, whereas my 1964 opponent was a political unknown who conducted only a nominal campaign, the results hardly bespeak any victory for the forces who campaign on lies and distortions.

It must be remembered the people of Nebraska returned me to the Senate in the face of a torrent of lies and distortions. We are fortunate that we can put our faith in the judgment of the electorate rather than in a man who makes his living by printing lies.

## APPOINTMENT OF CLARK MACGREGOR AS CONGRESSIONAL LIAISON IN THE WHITE HOUSE

Mr. MATHIAS. Mr. President, I believe that Members of the Senate will take more than passing interest in the news which we heard recently, that the President of the United States has appointed a Member of the other body, Representative CLARK MACGREGOR of Minnesota, to be a counselor to the President, with the understanding that he will have substantial responsibility in liaison work between the White House and Congress.

Mr. President, I have two reactions to this news. One of them, I must confess, is purely personal. I was elected to Congress in 1960 in the same election in which Representative MACGREGOR became a Member of the other body. We served together for four terms during that time, and were close friends and associates working together on joint enterprises on many occasions as members of the Judiciary Committee of the House of Representatives.

Thus, I have a very deep and a real appreciation for the abilities that Representative MACGREGOR will bring to his new duties in the White House.

Aside from my personal appreciation of him, and my pleasure at this appointment which has come to him, I think there is a broader aspect in which the appointment will be helpful.

He did run in the elections of this year unsuccessfully to become a Member of the Senate. He ran a constructive and a positive campaign. He addressed himself to the issues. He is keenly aware of the currents moving the American people today, the concerns, the worries, and the positive interests they have; and I believe that he will bring not only his knowledge and experience as a Member of Congress for 10 years, but also a very fresh and new insight into the American scene as he performs his duties at the White House.

I feel that this will be a positive contribution not just to the President's office or to the responsibilities for congressional liaison, but to the whole operation of the Government.

Mr. President, I welcome this news. It is a positive and healthy step that the President has taken, and one which I am very glad to see.

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## AMENDMENT OF INTERSTATE COMMERCE ACT AND FEDERAL AVIATION ACT OF 1958

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 10634.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 10634) to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salaries of employees from withholding for income tax purposes under the laws of States or subdivision thereof other than the State or subdivision of the employee's residence,

and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. KENNEDY. I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to ;and the Presiding Officer (Mr. ALLEN) appointed Mr. MAGNUSON, Mr. HARTKE, Mr. CANNON, Mr. PROUTY, and Mr. BAKER conferees on the part of the Senate.

## AMENDMENT OF PUBLIC HEALTH SERVICE ACT

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3418.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3418) to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped, which were to strike out all after the enacting clause and insert:

That part D of title VII of the Public Health Service Act is amended to read as follows:

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

"DECLARATION OF PURPOSE

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

"(a) public and private nonprofit medical schools—

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

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

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

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

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

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

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

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

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

"AUTHORIZATION OF APPROPRIATIONS

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

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

"GRANTS BY SECRETARY

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

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

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

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

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

"ELIGIBILITY FOR GRANTS

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

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

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

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

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

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

"APPROVAL OF GRANTS

"SEC. 765. (a) A grant under this part may be made only if the application thereof is recommended for approval by the Advisory Council on Family Medicine and is approved by the Secretary upon his determination that—

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

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

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

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

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

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

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

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

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

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

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

"(c) The Secretary shall not approve any grant under this part unless the applicant therefor provides assurances satisfactory to the Secretary that funds made available

through such grant will be so used as to supplement and, to the extent practical, increase the level of non-Federal funds which would, in the absence of such grant, be made available for the purpose for which such grant is requested.

"PLANNING GRANTS

"SEC. 766. (a) For the purpose of assisting medical schools and hospitals (referred to in section 761) to plan projects for the purpose of carrying out one or more of the purposes set forth in such section, the Secretary is authorized for any fiscal year (prior to the fiscal year which ends June 30, 1973) to make planning grants in such amounts and subject to such conditions as the Secretary may determine to be proper to carry out the purposes of this section.

"(b) From the amounts appropriated in any fiscal year (prior to the fiscal year ending June 30, 1973) pursuant to section 762(a), the Secretary may utilize such amounts as he deems necessary (but not in excess of $5,000,000 for any fiscal year) to make the planning grants authorized by subsection (a).

"ADVISORY COUNCIL ON FAMILY MEDICINE

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

"(b)(1) Except as provided in paragraph (2), each member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, three at the end of the first year, three at the end of the second year, three at the end of the third year, and three at the end of the fourth year, after the date of appointment.

"(2) The member of the Council appointed as an intern in family medicine shall serve for one year.

"(3) A member of the Council shall not be eligible to serve continuously for more than two terms.

"(c) Members of the Council shall be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service, employed intermittently.

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

"DEFINITIONS

"SEC. 768. For purposes of this part—

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

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

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

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

And amend the title so as to read: "An act to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine."

Mr. KENNEDY. Mr. President, I move that the Senate disagree to the amendments of the House of Representatives to S. 3418 and request a conference with the House of Representatives, thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agree to; and the Presiding Officer (Mr. ALLEN) appointed Mr. YARBOROUGH, Mr. WILLIAMS of New Jersey, Mr. KENNEDY, Mr. NELSON, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, Mr. DOMINICK, Mr. JAVITS, Mr. MURPHY, Mr. PROUTY, and Mr. SAXBE conferees on the part of the Senate.

## ADJOURNAMENT UNTIL 10 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 8 minutes p.m.) the Senate adjourned until tomorrow, Thursday, December 3, 1970, at 10 a.m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate December 2, 1970:

NATIONAL LABOR RELATIONS BOARD

Ralph E. Kennedy, of California, to be a member of the National Labor Relations Board for the term of 5 years expiring August 27, 1975.

NATIONAL MEDIATION BOARD

David H. Stowe, of Maryland, to be a member of the National Mediation Board for the term expiring July 1, 1973.

ENVIRONMENTAL PROTECTION AGENCY

William D. Ruckelshaus, of Indiana, to be Administrator of the Environmental Protection Agency.

# EXTENSIONS OF REMARKS

## PRESNELL CHAMPIONS RANDOLPH'S HERITAGE

### HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 2, 1970*

Mr. GALIFIANAKIS. Mr. Speaker, I would like to share with my colleagues the enterprising effort and perseverance of one of my outstanding constituents in Randolph County, N.C.

Tom Presnell is the driving force behind the Randolph County Historical Society which has carefully chronicled the hardy heritage of one of North Carolina's most historically colorful counties.

My commendations go also to Rip Woodin of the Greensboro Daily News who has so aptly chronicled the activities of Tom Presnell and the Randolph County Historical Society.

The article follows:

PRESNELL CHAMPIONS RANDOLPH'S HERITAGE

(By Rip Woodin)

ASHEBORO.—Most people are too worried about the present and future to care what happened in past years but Tom Presnell is an exception. He is intrigued with Randolph County history and intends to preserve for future generations, the heritage which past generations fashioned with blood and sweat.

Presnell is the motivating wheelhorse of the Randolph County Historical Society which is the oldest continually operating such organization in the state. He said the society has seen periods of inactivity but has always had a slate of officers since it formed in 1911.

The present officers were elected in 1967 when two old covered bridges and a Civil War battle flag rejuvenated the society's waning interest. Presnell, who is vice president of the 150-member society, said a Civil War history enthusiast, Dr. Marion Roberts of Hillsborough, wrote to the Asheboro Chamber of Commerce asking if there was an organization in Randolph which would preserve the hand stitched flag bearing the words "Randolph Hornets" on one side and "Onward to Victory" on the other.

Presnell explained that there are apparently five Randolph counties in the south and that Dr. Roberts finally learned that the flag was carried by Ramseur and Liberty men of Company D, 22nd Regiment, North Carolina Troops of the Confederacy.

At the time the flag was offered to Randolph, the society was also preserving Pisgah