ing in this decade. We need new schools, more efficient systems of health care, more job training programs, and the complete overhaul of our welfare system.

President Nixon, in his campaign and during his first year in office, talked about the need to improve the quality of life in this country.

In his State of the Union speech three weeks ago, he spoke eloquently about the need to protect our environment.

Talk must be backed up by performance.

The pollution issue is nothing new. Five years ago the federal government began in earnest to improve the quality of our air and water. The programs must be improved and more money must be invested.

The crime issue is nothing new. For years we have recognized that significant investments will have to be made in our police-courts-correctional system. Let's do it before this becomes a nation of fear and lawlessness.

The cities issue is nothing new. We can all see the slum housing, the inadequate schools, the rising cost of health care, the ineffective welfare system.

It is time to stop playing on our fears. It is time to stop promising and to start coming up with programs and money.

The priorities of the America of the 1970s are not the ABM and a continued arms race. We can cut the Pentagon budget to as low as $50 billion a year and still have real security for the United States.

We can clear up our air and water and rebuild our cities. Our streets can be made safe. We can give every American a chance to lead a decent life. These are our priorities of the 1970s.

Judging by his actions of recent weeks, President Nixon has other priorities.

I think he is wrong. I think he is pursuing policies of the 1950s as America enters the 1970s.

SENATE—*Wednesday, February 18, 1970*

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

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

Eternal Father, who has set us in this place at this time and given us work to do for others, teach us not to waste precious moments by crowding Thee out. Help us, however pressing our duties, to linger for a moment in communion with Thee, to know Thee and to be known by Thee. Teach us to number our days that we may apply our hearts to wisdom, to lengthen life by intensity of living, to fill swift hours with mighty deeds, to lay up treasures which are unseen and imperishable, where neither moth nor rust doth corrupt.

So may the very stress and strain of daily toil keep us close to Thee.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, February 17, 1970, be dispensed with.

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

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

SENATOR METCALF OF MONTANA

Mr. MANSFIELD. Mr. President, I am sure all Senators are aware that my distinguished colleague (Mr. METCALF) met with an accident on an icy road in Montana and is confined to the hospital in Butte at the present time.

We expect him to be back with us shortly. He is recovering nicely.

POLLUTION AND ITS CONTROL

Mr. MANSFIELD. Mr. President, I take this opportunity to join the distinguished minority leader in noting that once again the Federal Water Pollution Control Administration's Office of Public Information has received well deserved recognition for professional excellence.

As the Senator from Pennsylvania (Mr. SCOTT) pointed out on February 9, the Washington chapter of the Public Relations Society of America has, for the second consecutive year, presented its Thoth Award to the office.

The letter of award to Mr. Charles M. Rogers, director of the Public Information Office, said the judges were "greatly impressed with the very effective public relations program your office has fashioned to present facts about water pollution, prevention and control."

I think this will be at the core of our battle for environmental quality in the years ahead—give the facts to the public and the public will do the rest.

We are all aware that public opinion is, and will continue to be, the decisive element which will mean success or failure in our efforts to clean up our environment. The awesome power of public opinion must be marshaled and then directed against the polluters—if we are to clean up our air and waters.

I am happy to note that the Federal Water Pollution Control Administration is carrying its fight for clean water to the people and apparently is achieving excellent results.

I ask unanimous consent that a letter from the Public Relations Society to Mr. Rogers, and pertinent articles on the effective campaign he has directed, be printed at this point in the RECORD.

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

PUBLIC RELATIONS SOCIETY OF AMERICA, INC.,
Washington D.C. December 1, 1969.

Mr. CHARLES M. ROGERS,
Director, Office of Public Information, Federal Water Pollution Control Administration, Washington, D.C.

DEAR MR. ROGERS: It is my pleasure to inform you that your entry in the Washington Chapter, PRSA Annual Awards Program, has been awarded first place in the government category.

The judges, members of the Richmond (Va) Public Relations Society were greatly impressed with the very effective public relations program your office has fashioned to present facts about water pollution, prevention and control.

The Thoth Award, The Washington Chapter's symbol of professional excellence, will be presented at the annual Awards Banquet on Friday, December 5 at the National Press Club. We hope you or a representative of your office will be on hand to receive it.

Congratulations on an excellent job.

Sincerely,

BERNARD A. GOODRICH,
PRSA Awards Chairman.

[From Variety, Aug. 9, 1967]

SIX BLURBS ON A SHOESTRING

It's enough to make Madison Ave. shiver and shake. The Federal Water Pollution Control Administration division of the U.S. Dept. of the Interior (bureaucrats, right?) has distributed three one-minute blurbs and three 20-second blurbs—all in glorious tint—for pubservice slotting by networks and stations. The chiller is that the FWPCA division of the USD—of I did it on a production budget totaling $31,000, without an ad agency—and with a producer who had never turned out a blurb before.

Previously, the Administration had been making its video pitch via an "animated little man." But officials decided, with acceptable logic, that so serious a subject required something other than the light touch. They got it.

Out of nine producer bids, the Administration picked Bill Jersey's Quest Productions. Jersey was producer of the critically acclaimed telementary, "No Time for Burning," aired last season as an "NET Journal" seg on the NET web, but had never produced a blurb. Jersey, with Don Buxbaum as producer and Michael David scripting, managed to bring off the project sans ad agency creative help or production supervision.

The blurbs feature Hudson River and Hamburg, N.Y., locations and such diverse performers as folk singer Tom Paxton and a professional (AFTRA?) rat. Paxton wrote and sings a moody ode to a river, while the camera pictures it as it should be and how man and industry have really fouled it up. Another blurb features children's voices over, seemingly headed for a beach—but the water is polluted and the only sun bather turns out to be the rat. A sign reading, "This water unsafe for bathing," is a main prop in this one.

Third blurb is interior, with a happy guy humming and mixing lemonade in the kitchen. The lemonade is fouled by a montage of the various industrial gooks that are ruining the waterways. Very effective in tint.

There's brief voice-over on all blurbs, and an invitation to write to Clean Water, U.S. Department of the Interior, Washington, D.C.

The three 20-second blurbs are edited out

of the full minutes—just like on Madison Ave.

TROUBLED WATERS

The Federal Water Pollution Control Administration is sending prints of 60-second and 20-second films alerting Americans to the dangers of water pollution, to tv stations around the country.

Each of the films—three '60s, three '20s—is a strong statement of the urgency of cleaning up America's waters. For example, one of them, to the accompaniment of a nostalgic balled called *My River*, opens to shots of debris-laden water, river covered by industrial scum, effluvia of factories, tankers dribbling chemicals into the stream, and other enchantments of the industrial environment.

Another shows a deserted beach town, the cottages all boarded up, as, voice-over, children chant "we are goin' swim-min'," while the camera dips down to surside to show the beach littered with dead fish, the boardwalks posted with "Danger—bathing prohibited—Polluted Water" signs. (The '20s are lifts from the 60-second films)

The beach spot ends with a glimpse of a water rat scurrying among the marine waste, with a voice warning that since nothing was done, "now the beach belongs to him."

The third spot shows a guy setting about to make a pitcher of lemonade with the available water supply. First milky, then rusty, then oily, then acidulous, then sludgy elements go into the pitcher, until the result is a one pitcher microcosm of what has happened to the country's water.

Charles Rogers of the Water Pollution Control Administration said the campaign was conceived as a way "to tell the American people that we're running out of clean water."

To sock the message across, it was decided to use a documentary style, unlike the whimsical cartoon treatment used by the division of the Department of Interior in an earlier campaign.

On a budget of $30,000, excluding print costs—700 prints of each of the spots are being shipped to stations—the films were produced by Quest Productions, headed by William Jersey, who made the widely-acclaimed *A Time for Burning* for the Lutheran Council.

Jersey directed the film, from a script by Michael David. Producer was Don Buchsbaum of Quest. The song, *My River*, was written and sung by folk singer Tom Paxton.

The Advertising Council is urging stations to run the spots as often as possible.

TV SPOTS ATTACK BEFOULED RIVERS, BEACHES

That impure water is a problem and clean water a national need are the messages, and TV is the medium being used by U.S. government water-pollution fighters who are spending more than $30,000 in the production and distribution of some 700 prints to stations and networks.

Officials of the Federal Water Pollution Control Administration of the Department of the Interior at a screening in New York last week said the color films—three one-minute messages and shorter 20-second versions—were produced by Quest Productions and mark a departure from the agency's use of animated spots to documentaries.

They said the step up in TV exposure was in keeping with the "critical and serious" nature of the water-pollution problem in the U.S. A film on river pollution features folksinger Tom Paxton on the sound track; another spot dramatizes water impurities as a pitcher of lemonade is mixed, and a third is a pictorial study of a beach area closed because of pollution.

RADIO AND TELEVISION ADS PROMOTE CLEAN WATER

(By Lawrence Laurent)

The Federal Water Pollution Control Administration took to the air last season with a new campaign to clean up the Nation's waters. This was done with public service commercials that played on 811 TV stations and 5300 radio stations.

The results were excellent. The broadcasting audience was urged to write: "Clean Water, Washington, D.C." The letters have been coming in at a rate of 1900 to 2100 a week.

A second campaign is now beginning. I attended a preview yesterday of two of the one-minute TV messages and each is excellent. In one filmed announcement, a tousale haired boy with a fishing pole wanders along the edge of a lake. The water is littered with tires, shoes, wood and trash.

Behind this scene is the voice of folksinger Tom Paxton. He sings of the wonders of nature and the benefits of clean water.

The second announcement is called "Doomsday" and is narrated by Joe Silver. It centers on a tiny girl playing at the beach. Interspersed are shots of sewage and factory waste pouring into rivers. The beach scene changes: Now three hearses dawdle along. The final shot is of a deserted beach.

Eighteen radio commercials have been produced by Water Pollution's Office of Public Information. As Charles M. Rogers explained, the spot announcements combine songs about rivers with New Orleans jazz.

The eight-man Chicago Footwarmers provide the music.

The tune, 'Swanee" has been converted to "Way Down Upon That Dirty River" and the lyrics go like this:

"Way down upon the dirty river.
Not so very far away,
Sure ain't no place that's fit for people.
Why must it be this way"

The song called "Lake Michigan Water" has also undergone some changes. The first two lines still go: "Lake Michigan water used to taste like sherry wine" and the last two lines are:

"Now that Michigan water
Tastes like turpentine."

Most effective of the parodies is the new version of "Red River Valley." It is now sung like this:

"From this valley they say you are going.
We will miss your bright eyes and sweet smile
But I can't say that I blame you for leaving,
'Cause you can smell this old river a mile."

Production of the two television spots cost $15,000 and was done in association with Quest Productions. Distribution cost run $6.40 for each of the 811 stations.

For radio, the Chicago Footwarmers made two spots that run for 20 seconds; six that run for 30 seconds; eight that last a minute, and one that is 90 seconds long. They also did a "program" that runs for three and a half minutes.

The point of all of them, folks, is to keep those cards and letters coming to "Clean Water, Washington, D.C."

SOLUTION TO POLLUTION

The public information office of the Federal Water Pollution Control Administration has come up with another hip broadcast campaign, this one highlighted by a package of radio spots featuring the Chicago Footwarmers.

As last year, the office used Quest Productions for tv spots, and the film house again came up with mood blurbs with folk singer Tom Paxton backgrounding via his composition, "The River."

Already being heard in the New York market are the radio spots featuring the Chi Dixie band prefacing soft pitches on pollution control with swinging river songs. "Down by the Riverside," "Chesapeake Bay" "Green River," "Up a Lazy River," "Roll Jordan Roll," "Swanee," "Red River Valley," "Lake Michigan Water" and "Roll On, Mississippi, Roll On." Band personnel are leader Mike Walbridge, Kim Cusak, Johnny Copper, Eddie Lynch, "Uncle Chet," and Mike Ihlugo.

The radio and tv spots were turned out on a slim budget of $31,000 and without an ad agency; the office says that last year's spots upped mail requests for pollution info from about 500 letters a month to a peak of 2,700.

AMOS ON WATER

Again this year, a hard-hitting campaign damning water pollution has been devised by the Federal Water Pollution Control Administration for tv.

Last year's campaign is fresh in the minds of late-night movie addicts: the beauties of the Cuyahoga River as it stinks its way through Cleveland, the glories of Lake Erie shores awash and luminescent with multitudes of rotting fish.

One of the commercials in this year's campaign shows people delighting in finding a place in the sun at clean Jones Beach outside New York—children playing happily, intercut with quick cuts of the devastation wrought by man at other watering places.

Over the pictures runs a narration of some lines from the prophet Amos. With the clinch-line, "and thou shalt die in a polluted land," a cortege of hearses plods across the now empty beach.

The other commercial in this year's campaign shows a Huck Finn type whistling his way through the woods, fishing pole at shoulder arms, to the sound of Tom Paxton singing a ballad about a beloved river. The boy gets to the fishing spot; finds it utterly ruined, with detritus, debris, beer cans, and other effluvia of industry and leisure.

The films were made for the branch of the Department of Interior by William Jersey of Quest Productions, who made last year's campaign, as well.

The Water Pollution Control Administration is making the two films available to tv stations in 60-second, 30-second, and 20-second lengths. Prints are being sent to 811 tv stations.

Apparently last year's campaign has had a fair amount of play, if the number of letters received by the federal entity are any measurement. Last year's campaign was the office's first use of tv, and it resulted in mail multiplying from 500 letters a month to nearly 3,000 a month.

Mr. LUKE HESTER,
U.S. Department of the Interior, Federal Water Pollution Control Administration.

DEAR MR. HESTER: I have just received two public service spots in regard to water pollution that were mailed to us. I want to take this opportunity to tell you how impressed I am with the quality and message content of the spots.

Often television stations run public service spots of this nature as a requirement. These two announcements, "Funeral" and "Fishing Spot," are almost a pleasure to program.

I am sure that they will meet with as much approval by the general public as they did with those who viewed them here at the station.

Feel free to forward any future spots to us with the assurance that they will get as much exposure as possible. Thank you and best regards.

Sincerely,

CLEM CANDELARIA,
Program Manager.

TV AND RADIO CAMPAIGN—WATER-POLLUTION FIGHTERS USE SONGS TO WIN BACKING

(By George Harmon)

The Chicago Footwarmers stomp into their Dixieland rendition of "Red River Valley" and Chet Ely sings:

"From this valley they say you are going.
We will miss your bright eyes and sweet smiles;

But I can't say I blame you for leaving,
Cause you can smell this ole river a mile."

That parody is part of a new weapon being used by the Federal Water Pollution Control Administration.

As a result, the fight against pollution now enters American homes every day in the form of public service announcements.

A total of 5,300 radio stations and 811 television stations have received the witty and hard-hitting ads.

A federal spokesman said the purpose of the campaign is to awaken Americans "to the looming potential destruction of our environment."

With that mission in mind Ely rewrote the lyrics of such jazz standards as "Roll on Mississippi, Roll on" and "Up a Lazy River" in modern, oil-soaked style.

His version of "Down by the Riverside," for example, echoes with "I ain't gonna stand this mess no more."

The FWPCA also hired a private filmmaker to produce two color announcements for television.

One carries a "doomsday" message in which a voice intones, "Thou shalt die in a polluted land."

The other film shows a boy with a fishing pole walking through shadowy foliage to a shore covered with oil, bottles, old tires and other debris.

Ely, a Small Business Administration employee who lives in Winnetka, said that recording the announcements was a "labor of love" for the Footwarmers.

The group has grown to enjoy playing the parodies so much that a rousing chorus of "Lake Michigan Water" frequently becomes part of its act.

ADVERTISING

(By Philip H. Dougherty)

The country's 811 television and 5,300 radio stations have received or will soon be receiving the 1968–69 campaign of the Federal Water Pollution Control Administration, Clean water is their bag.

The other day, the Washington crowd journied to Big Town to show off the latest efforts, the TV part being the work of Quest Production.

One of the two spots is a heartwarmer called "Doomsday." Don't want to give away th plot but it ends up with a three-vehicle funeral cortege moving slowly across an empty beach as a voice intones with Biblical solemnity, "and thou shalt die in polluted land." It makes a point.

COLOR SPOTS, JAZZ, AIM AT POLLUTION CONTROL

The Federal Water Pollution Control Administration last week announced a new television and radio campaign for "Clean Water." Two one-minute color spots, produced in association with Quest Productions, New York, have been distributed to 811 television stations. "Fishing", with lyrics written and sung by Tom Paxton, features a little boy on his way to fish in a lake, but finds it polluted. The second spot, "Doomsday", features a little girl playing on a sandy beach, which has also become polluted.

The Chicago Footwarmers, a jazz group, is featured in a record album which contains several radio spots and three public affairs programs, "Down by the Riverside" and "Green River" and "Chesapeake Bay". It has been distributed to 5,300 radio stations.

BOXCAR SHORTAGE IN MONTANA

Mr. MANSFIELD. Mr. President, I believe that I should say something about the grain elevators still being plugged in the State of Montana.

During practically every year of my service in Congress, I have been up against this problem of having boxcars returned to their parent territory. It seems that the eastern lines pirate the boxcars of the Great Northern, the Northern Pacific, and the Milwaukee, keep them in the East and pay low rentals which in turn places an undue burden upon our farmers and ranchers in the West. That burden is manifested by the fact that groups are now being organized to buy trucks which cost about $35,000 each to ship their wheat either from the elevators or on the ground to portions of Idaho and Washington.

The latest information I have is that the town of Carter, which lies north of Great Falls, Mont., on the road to Fort Benton, alone needs 300 boxcars. Nothing is being done to alleviate the situation. Legislation is being introduced by the distinguished Senator from Washington (Mr. MAGNUSON), by myself, and my colleague (Mr. METCALF). We have introduced legislation that would raise rentals on the boxcars now held by the eastern roads up to $100 a day, and if retained overtime, there would be a fine of up to $5,000.

Mr. President, I only hope that the Commerce Committee will begin hearings shortly, that ICC will get off its duff, and see that something is done to return the boxcars to Montana so that the needs of our ranchers and farmers can be met in that respect.

Mr. President, this is a situation which has gone on entirely too long—for decades. Our farmers and ranchers cannot subsist on promises any longer.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled, "Elevator Still 'Plugged,' Says Carter Manager," published in the Great Falls, Mont., Tribune on February 7, 1970.

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

ELEVATORS STILL "PLUGGED," SAYS CARTER MANAGER

CARTER.—The grain elevators in Carter alone need 300 cars right now, an elevator manager declared Friday, "but the way cars are coming in it will take a good three months to ship the grain that we have on hand at the present time."

Carter is one of the major shipping points for grain in Montana. There are four elevators there.

"I'm getting one to two cars a day at the present time, when I need 100," said Wes Crawford, manager of the Montana Elevator at Carter.

"Since Jan. 21, I've received 15 cars. I'm still working on September contracts and I've been plugged, (capacity grain storage) for five weeks. I had six trucks full of grain come to my elevator this morning (Friday) but I had to let 'em because there is no storage space. They are hauling into Great Falls because I can't handle any more grain."

Area farmers truck their wheat to elevators where it is sold and then reshipped to milling points in the midwest and Pacific Coast. The gigantic bottleneck is created on the reshipping end of the grain movement.

Aggravating to Elmer and other elevator manager, are statements in newspapers and elsewhere saying that grain cars are on their way to ease the shipping problem. "But they never arrive," asserted Elmer.

Joe McIntosh, Great Northern Railroad car distributor in Havre, "told me Thursday there would be a whole bunch of cars in tomorrow. I got two and they weren't even Great Northern cars. When I called him (McIntosh) Friday, he hung up on me."

Adding to the grain dealers' problems is the fact that farmers are now, due to the good weather, anxious to get their spring wheat and barley to the elevators for cleaning. "We can't accept it because we are plugged," Elmer said.

Further, "We have contracts on grain, including September contracts on malting barley. We're taking a loss on these contracts but the railroad doesn't give a damn."

U.S. BALANCE-OF-PAYMENTS DEFICIT FOR 1969—WORST YEAR ON RECORD

Mr. SYMINGTON. Mr. President. The Department of Commerce reported yesterday that the U.S. balance-of-payments deficit for 1969 totaled $6.9 billion—the largest deficit in our history; and some $3 billion greater than the previous record deficit in 1960.

Although the balance-of-payments figures showed a surplus in the fourth quarter of last year, an article in the Wall Street Journal of yesterday noted:

> Officials cautioned against attaching too much significance to the fourth quarter high, suggesting it may largely reflect year-end actions by corporations to assure they met the deadline for limiting direct investment in foreign subsidiaries.

Without such last-minute transactions, therefore, the deficit could have been even greater.

Particularly discouraging were figures released with respect to the U.S. balance-of-trade position. For several years, up until 1968, this balance of trade showed a healthy surplus—as high as $6.7 billion in 1964—and was therefore quite important in helping to offset increasing deficits in other accounts of the balance of payments.

Last year, however, this vital trade surplus was only $674 million, but slightly higher than the record low surplus of 1968.

That familiar saying about the weather often attributed to Mark Twain could well be applied to this balance-of-payments problem:

> Everybody talks about it, but nobody does anything about it.

In 1963, when in five statements on the floor of the Senate I made my first major statement of concern about the U.S. balance of payments, the overall deficit was about $3 billion; and this in spite of a surplus in the balance-of-trade account of over $5 billion.

Some shortrun measures have been instituted since that time in an effort to improve our payments picture, but no substantial, long term actions have ben taken; and until they are, it would seem we can expect a continuing gloomy outlook, to the point where this admittedly serious development in our financial position could become critical.

Continued large-scale Government expenditures overseas, along with unprecedented domestic inflation—the latter substantially hindering U.S. exports and increasing imports—and failure to often obtain a "fair trade" in the bargaining of international trade agreements, all contribute to the U.S. balance-of-payments deficit. Let us hope, therefore,

that we will concentrate our efforts in these areas, so as to avoid another recordbreaking deficit at the end of 1970.

ORDER OF BUSINESS

Mr. CHURCH. Mr. President, I ask unanimous consent that I may proceed for 6 minutes.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). Without objection, it is so ordered.

SOLAR ENERGY: ITS PROMISE FOR THE FUTURE

Mr. CHURCH. Mr. President, in the January edition of the Audubon magazine is a very worthwhile article by Boyd Norton, a former Idahoan and now an executive of the Wilderness Society in Denver, on the threat to our environment by present means of production of electrical energy.

To surmount this threat from hydroelectric dams and coal or nuclear fired generators, Mr. Norton points to the future potential of solar energy as a possible ultimate answer.

As a physicist, Mr. Norton writes from a position of knowledge and I commend this article to my colleagues. I ask unanimous consent to have it printed in the RECORD.

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

COOL WATER, WILD RIVERS, CLEAN AIR, AND SOLAR POWER

(By Boyd Norton)

Private power companies, public utilities, federal power projects, all are in business to sell a product—the flow of electrons along a wire. Other companies invent ever more ingenious ways of consuming more of this energy per capita, all in the name of progress. How the electricity is generated has been of little concern until recently. The cheapest way was considered the best way, and the environment be damned (or dammed!).

The power companies, private and public, have been peculiarly and acutely susceptible to a common organizational disease: resistance to change. Paradoxically, in an age of technological achievement built on change, we still suffer from technological myopia and the stumbling block of planning inertia.

An excellent example of this shortsightedness is the current devotion to large, centrally located generating plants. Whether coal-fired, nuclear-fueled, or hydro-generated, their function is to produce large amounts of electricity for distribution over wide areas. Generally, the larger the plant the more efficient it is—especially in the eye of its manager. But so, too, are its repercussions enlarged.

Many of today's environmental problems stem from this simple relationship. Big dams destroy whole river systems. Coal-fired plants are major contributors to air pollution. Like large coal-burning plants, nuclear plants threaten our rivers and estuaries with biologically damaging thermal "additions." But also, they create even more insidious hazards from radioactive wastes. No matter what kind of plant, the once beautiful land becomes crisscrossed with wire tentacles to tie the plant to the consumer.

Inflated power "needs" aside, do we need large, central generating plants? First, we must place all future plants in more appropriate sites. But equally, we must rethink our whole concept of supplying energy to the nation.

Solar power offers exciting prospects. Even grade-school science tells us that an average of 1.67 kilowatts of solar energy falls on every square yard of the Earth's surface daily. By comparison, according to a recent computation by LaMont C. Cole, man produces only 25/1000th of 1 percent as much energy. The problem is to utilize the sun's energy. Solar cells, much like photographic light meters, can convert sunlight directly into electricity. They are used to supply power for satellites. But it takes many cells, and they are expensive. Further, for practical use, there is the problem of efficiently storing the energy for use at night or in adverse weather.

All this, however, is possible. Ultimately, most of our homes, offices, or factories could be self-sufficient in power requirements. No more wires need be draped across the land; no more fumes spewed into the atmosphere, or waste heat dumped into water, or wild rivers forever stilled by dams.

Although we must not delude ourselves into thinking that solar power is a cure-all, we must pursue it because, when all the resource, energy, and ecological balance sheets are tallied up, solar power will almost certainly be the most efficient way. The fiscal balance sheets are a matter of social policy. We will need massive investments in research and development, but when you can put a man on the moon, there is little you can't do—technologically, that is.

PROVIDING TAX INFORMATION FOR IDAHO FARMERS

Mr. CHURCH. Mr. President, taxation is never a welcome subject, but information concerning taxes is always necessary and often helpful.

Recently, Congress passed, and President Nixon signed into law, the most comprehensive tax reform measure in our history. Some of the changes are of special interest to farmers as they prepare for the 1970 crop year to which the new law will apply. Many Idaho farmers have written me to ask how their farm operations will be affected.

Recently, an excellent article appeared in the Farm Journal written by Claude W. Gifford, entitled "What the New Tax Law Does to You." An article of this nature cannot replace the advice of tax experts, when needed, but it furnishes, in capsule form, much information which could prove useful to Idaho farmers. I ask unanimous consent to have it printed in the RECORD.

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

[From Farm Journal, February 1970]

WHAT THE NEW TAX LAW DOES TO YOU

(By Claude W. Gifford)

The new tax bill signed by President Nixon on Dec. 30 can erase your tax bill entirely—*or raise it to a new high*—depending on how much you make and how you make it.

It's the biggest package of tax law changes in the nation's history. Many of the changes apply to farmers alone. Other parts of the sweeping tax reform law apply to you, as well as to all taxpayers.

The biggest tax savings for most taxpayers is a cut in the surtax—which in 1969 added 10% to your tax bill. The surtax dropped to 5% on Jan. 1, and will expire on June 30. Unless Congress extends it later, your 1970 surtax will average 2½% for the year.

Now on these three pages, FARM JOURNAL will summarize the main changes that will affect your tax bill. For more details, and before filing, check with your tax man.

CAPITAL GAINS ON LIVESTOCK

All along, you have been able to report the income from the sale of breeding stock as "capital gains" income. Only half of "capital gains" is taxable, compared with all of the income from a load of fed cattle or market hogs.

Further, the highest rate of tax on "capital gains" has been 25%.

In order to count as "capital gains" income, the animals had to be intended for breeding, dairy or draft purposes—*and you had to hold them for one year from birth or date of purchase.* This is now changed:

You will need to hold horses or cattle for two years from date of birth or purchase (acquired after 1969) that are intended for breeding, dairy, draft or sporting purposes.

The same one-year holding period as previously from date of birth or purchase will apply to hogs, sheep, goats and other livestock held for breeding, dairy, draft or sporting purposes. *See the "capital gains" section for information on the new tax rates on "capital gains."*

CONSERVATION EXPENSES

If you are on an accrual basis, or if you've owned your farm 10 years, the new changes won't affect you. Otherwise:

As you know, you can deduct a certain amount of soil and water conservation expenses from your current year's income. These are expenses such as digging a ditch, draining a swamp, making a pond, leveling land or terracing.

The new law says:

If you sell your land at a gain within five years after you acquire it, you must deduct all of the conservation expenses (incurred after 1969) from your capital gains and treat that much as if it were ordinary income.

If you sell the land the sixth year after you acquire it, you deduct 80% of the conservation expenses from the capital gains; 60% in the 7th year; 40% in the 8th year; 20% in the 9th year.

For soil and water conservation expenses that you normally capitalize into the value of the land, there is no change.

The expenses of purchasing or developing a new citrus grove must now be capitalized into the value of the land.

SLOWER DEPRECIATION ON REAL ESTATE

The old tax law lets you speed up depreciation of real estate other than land. Ordinary straight-line depreciation, for example, would let you deduct $500 a year for a new farm building that cost $10,000 and had an expected life of 20 years. But double declining-balance depreciation would let you take $1000 the first year. The new law changes the rules:

Starting last July 25, the fast depreciation write-off of 200% declining-balance and sum-of-the-year digits is restricted to new residential rental housing.

You can take 125% declining-balance on used residential housing that has a 20-year life or more.

Depreciation on new farm buildings started or contracted after July 25, 1969 is limited to a 150% declining-balance, which is 1½ times more than straight-line.

In the case of used buildings—such as a used bin, or buildings on a newly purchased farm—you can use only straight-line depreciation. You can still take the 150% declining-balance on used buildings acquired, or contracted for, before July 25, 1969.

FARM LOSSES TIGHTENED

Ordinary farmers can go right on deducting farming losses from off-farm income. And if you are on an accrual basis, the changes won't hit you, either.

Only the very wealthy cash-basis taxpayers are affected. Anytime that off-farm adjusted gross income hits $50,000 a year, and net losses from farming exceed $25,000, then

losses above $25,000 go into an "excess deductions account" (EDA).

Each year that losses exceed $25,000, they are added to the EDA. If the farm makes money, this reduces the EDA a like amount.

If there are farm losses in the "excess deductions account," these will be deducted from certain capital gains—and that much will be taxed as if it were ordinary income.

These "excess loss" provisions also apply to small farm corporations that are taxed as a partnership—when none of the stockholders have losses from other farms.

FARMERS' TAX FILING DATES

Up to now, you could file an estimated tax return by Jan. 15 and file your regular return by April 15. Or you could skip the estimated tax and file your regular return by Feb. 15.

The new law says that if you skip the Jan. 15 estimated tax, you now have until March 1 to file your regular return.

INVESTMENT CREDIT IS DEAD

The new tax law kills investment credit; this will boost your taxes.

You have been able to deduct directly from your tax bill 7% of the value of many kinds of new property that had an expected life of eight or more years. This meant that a $10,000 new tractor would allow you to deduct $700 from your tax bill the first year. If you haven't been claiming this kind of credit; you can file amended returns to pick it up.

Now the new rules: Only capital property that was purchased, contracted for, or for which construction had started before April 19, 1969, qualifies for investment credit. If you were in the middle of construction on April 18, check the detailed rules.

You'll find various ways that you might still get investment credit on purchases and construction that were "under way" on your farm last April 18.

A contract to buy or build might be binding even though the price was to be determined later. Even an option that you had to forfeit if you didn't go through with the deal is a contract that will get you under the wire.

Also, farm buildings and equipment are considered as one project. If you had construction or binding contracts involving more than half the total cost, you might be able to get investment credit on all the equipment. In any event, it will be worth looking into. Work with a competent tax lawyer or CPA who keeps up with tax laws affecting farm property.

FARM JOURNAL and others had campaigned to permit investment credit on the first $25,000 investment per year. The Senate had agreed to $20,000, but gave in to the House which opposed it.

TIGHTER CAPITAL GAINS

The tax rate is now hiked on capital gains in excess of $50,000—*not so uncommon in the sale of farm land.* Up to now, the most tax you had to pay on capital gains was 25%. The tax rate on $50,000 or more now becomes half the tax rate you pay on ordinary income, with a maximum of 29½% in 1970 and moving to 35% in 1972.

On long-term capital losses—*fairly common on stocks and bonds, for instance*—*you* have been able to "write off" losses against ordinary income, up to $1000 per year.

From now on, you can offset only 50% of your long-term capital losses against ordinary income. You can still carry the excess over $1000 into later years.

ANTI-POLLUTION WRITE-OFFS

You might be able to use a special 5-year fast tax write-off on certified pollution control facilities added to present property. This would be to "abate or control water or atmospheric pollution by removing, altering, disposing or storing wastes or pollutants." This is new and complicated, and will need further clarification later from the Internal Revenue Service.

CROP INSURANCE PROCEEDS

Let's say you collect on your crop insurance. If the damaged crop has matured, you would have sold it the following year. The new law says that under those circumstances, if you are on a cash basis, you can report the insurance proceeds as income either this year or next. This starts with the 1970 crop.

LARGER DEDUCTIONS

This will give substantial savings to middle-income people who don't have very many deductions for taxes, medical bills, interest, charity and the like.

Up to now, you could take standard deductions (without itemizing) of 10% of your adjusted gross income, up to a maximum of $1000. The minimum standard deduction you could take was $200 plus $100 for each exemption (up to $1000).

But beginning in 1971 the standard deduction moves to 13%, with a maximum of $1500. In 1972, it moves to 14%, with a $2000 ceiling; and in 1973, 15%, with a maximum of $2000.

In addition, low-income families will get a special tax break called a low-income allowance, which will work this way:

The minimum deduction of $200 plus $100 for each exemption is increased to a flat $1100 in 1970; to $1050 in 1971; and $1000 in 1972 and thereafter. In effect, this frees from taxes the first $1000 of a poor family's income.

NEW TEST FOR HOBBY FARMS

You can't deduct net losses from farms that aren't really intended to make a profit. A new test in the law says that if the farm makes a profit in any two out of five consecutive years, that's proof that you intended to make money. Well, better proof, anyway.

You can't intentionally plan to lose money in, say, three out of five years. *In that case, the Internal Revenue Service may be able to prove that you didn't "reasonably expect to make a profit."*

The net result is not a great change. But if you are in a borderline situation, then making money in the two out of five years is in your favor.

The test for race horse farms is a profit in two out of seven consecutive years.

HIGHER PERSONAL EXEMPTIONS

More than 5 million taxpayers will be relieved of any tax liabilities by increased personal exemptions.

Your own personal exemption, and each dependent's, will go up $50—to $650—on July 1, 1970. For the year, it isn't much—averaging $625 for the full year.

After this year, personal exemptions will increase, as follows:

Full year:	*Each exemption*
1971	$650
1972	700
1973	750

A family with four children—six exemptions in all—will gain $900 in total exemptions allowed by 1973. If their taxable income puts them in a 22% tax bracket, the $900 extra exemption would reduce their 1973 taxes by $198.

MISCELLANEOUS

The present tax-free exchange of like property is clarified to make it clear that livestock of different sexes are not "like property."

If you have a good crop year, or for any other reason your income jumps a fifth above the average of the preceding four years, you can "average" your income to qualify for a lower tax rate. Capital gains will also be eligible for averaging. Previously, income had to increase a third or more above the average.

Students with summer jobs and others are excused from tax withholding if they certify that they will have no tax liability and if they didn't pay taxes the previous year.

Let's say that your land is taken by the government for a dam site, park, school or whatever. If they pay you more for the land than it cost you (or its value when inherited), you won't have to pay taxes on the *gain* if you invest in "like property" by the end of the second year after you received the *gain* (up to now it was one year). This also applies to *gain* from insurance received for a casualty loss. This applies to condemnations or casualties starting with 1970.

If you sell land or other property for $1000 or more—and spread out the payments over a period of years—your taxes on any gain are lower. If you are a dealer, you will now have three years to change from installment reporting to a straight sale (in case you had losses to offset). Penalties for failure to pay taxes on time are sharply higher.

AMERICA'S IMPERIUM

Mr. CHURCH. Mr. President, in the Washington Post of January 26, 1970, the nationally syndicated columnist, Marquis Childs, wrote a poignant column regarding the American "imperium" and the power being exercised by our diplomatic and military proconsuls in distant, foreign lands. He perceptively points out that:

Every day of the year the Constitution is breached and the authority of Congress mocked.

I hope that the Childs article, and others like it, will help fortify the resolve of Congress to recover its abdicated role in defining and determining our involvements abroad—a recovery which began last year with the Senate's passage of the commitments resolution, and with the congressional enactment of the Church amendment barring the use of military appropriations for funding the introduction of American ground troops in Laos or Thailand.

Mr. President, I ask unanimous consent that this significant article appear here in the RECORD.

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

AUTHORITY OF U.S. PRO-CONSUL RECALLS LUCE IMPERIUM IDEAS

(By Marquis Childs)

It was the late Henry R. Luce, founder of Time, Life, etc., etc., who proclaimed the American century. His vision of an American imperium presided over by wise pro-consuls around the world called forth at the time indignant cries of protest. This was not the American dream of those embedded in the long tradition initiated with George Washington's warning against foreign entanglements.

In the unhappy conviction of critics in Congress the American imperium is a reality today. Thinly disguised in the rhetoric of aiding peoples to achieve democracy and independence, the pro-consul, whether in military uniform or the morning coat of diplomacy, exercises an authority undreamed of a few short years ago.

They have no right under the Constitution to exercise such authority—to direct the operation of undeclared wars, for example, the critics in the Senate say. Every day of the year the Constitution is breached and the authority of Congress mocked. When the pro-consuls come before the Senate

Foreign Relations Committee they are polite, evasive. They testify in substance only behind the screen of secrecy held up for reasons of "national security."

Secrecy versus the right of Congress and the people to know is the focus of a controversy bound to generate more heat in the current session. How much light it will shed on the far-flung plans and intentions of America's commitments around the world is uncertain. The immediate issue is the "sanitized" transcript of the closed hearings into the undeclared war in Laos before Sen. Stuart Symington's subcommittee.

The transcript has been so censored in the State Department that it is meaningless, according to committee members. They are demanding that vital facts be restored—the cost of America's effort, well over $200 million a year; the cost of Thai support forces sent into Laos; the use of American bombers idled by halting the bombing of North Vietnam. And, above all, the answer to why the United States should be involved in such an undeclared war.

With the backing of President Nixon, the State Department is standing pat. There is a possibility the subcommittee will publish and be damned. After all, as Sen. J. W. Fulbright of the Symington group points out, most of the material was in a series of articles written by Henry Kamm of the New York Times from Laos.

As unhappy senators know only too well, the entrenched position of the Executive rests on money and manpower. Congressional resolutions, such as the Church amendment prohibiting the use of armed American combat troops in Laos or Thailand, are fine. But they butter no parsnips and so far as the outgoing war in Laos is concerned, they are hardly a deterrent.

The Nixon administration, as Fulbright wryly acknowledges, understands the techniques of empire as did the Kennedy and Johnson administrations. The President in his skillful State of the Union message said that the prospects for peace are far greater today than they were a year ago. Fulbright and the other critics know the public believes Mr. Nixon means to end the war. He has scored a great gain in the public acceptance of his Vietnam policy.

But what is his ultimate intention? Does he mean to withdraw all American forces, leaving only a small residue at the end of, say, two years? Or, in spite of the impressive rhetoric about Vietnamization and peace, will perhaps 200,000 Americans be left in Southeast Asia as the mainstay of America's position and a bulwark of the imperium?

These are questions troubling the doubters while at the same time they realize that in the context of the global power administered by the Executive they have little or no leverage.

In the gulf of suspicion and distrust between the White House and the Senate, or an important element of the Senate, minor irritants play a part. The Symington subcommittee inquiring into why the United States provided $39,000,000 for a small contingent of Philippine support troops in Vietnam, who got the money, and what part corruption has played in siphoning off billions in aid to the Philippines got caught in an election crossfire. American Ambassador Henry A. Byroade, talking to the Manila Rotary Club, said: "I ask you to consider the source."

The Senators were furious. They were angered by a speech by Maj. Gen. R. G. Ciccolella, head of the military mission in Taiwan attacking civilian control over the military and denouncing the cry of "no more Vietnams" as "sweet music to the ears of Communist plotters." The report reaching the committee was that Ciccolella was to have become deputy to Gen. Creighton Abrams, the American commander in Vietnam. Unfortunately, the general succumbed to a serious back ailment, which also prevented his testifying before the committee.

These are the pro-consuls. They are the agents of American power in the far corners of the earth. They enjoy privileges and on-the-scene responsibilities unimaginable in the America of a short time ago.

IDAHO BEET GROWERS NEED AID: STATE OF IDAHO LEGISLATURE MEMORIALIZES THE CONGRESS

Mr. CHURCH. Mr. President, certain Idaho sugar beet growers have been severely injured by an unusual insect infestation problem which has resulted in substantial harm to their crop. As a result, these farmers are faced with the bleak possibility of insufficient funds to plant a new crop.

In the company of my distinguished colleague, Mr. JORDAN, I have called upon the Secretary of Agriculture to grant aid to these hard-pressed growers by making loans available under the FHA emergency loan program. Unfortunately, the Secretary has refused to grant such aid.

Now the Idaho State Legislature has joined in the effort to seek aid for these farmers from the Secretary of Agriculture. I hope the Secretary of Agriculture will reconsider his decision and grant aid in this case.

I ask unanimous consent that a copy of House Joint Memorial 6 be printed in the RECORD.

There being no objection, House Joint Memorial 6 was ordered to be printed in the RECORD, as follows:

HOUSE JOINT MEMORIAL 6

A joint memorial to the honorable Senate and House of Representatives of the United States in Congress assembled, the honorable congressional delegation of the State of Idaho and the honorable United States Secretary of Agriculture

We, your Memoralists, the Senate and House of Representatives of the state of Idaho assembled in the Second Regular Session of the Fortieth Idaho Legislature, do respectfully represent that:

Whereas, the sugar beet industry is a major industry of the state of Idaho, and

Whereas, in 1968 the United States Bureau of Land Management removed brush from the area generally referred to as the Bruneau desert and did not adequately seed or properly care for the land thereafter; and

Whereas, in August 1968 there was an exceedingly heavy rainfall compounded by an exceedingly deficient rainfall in March, April and May 1969, in the counties of Elmore, Twin Falls, Owyhee, Jerome, Gooding, Ada and Canyon, state of Idaho; and

Whereas, the combination of the heavy rains in August 1968 and the deficient rain in spring 1969 resulted in an infestation of beet leafhoppers which caused substantial and widespread sugar beet crop loss, averaging one-half crop yield, and in some instances involved complete destruction; and

Whereas, this loss has had a severe impact on the respective economies of the counties of Elmore, Twin Falls, Owyhee, Jerome, Gooding, Ada and Canyon, state of Idaho; and

Whereas, many farmers in these counties are in dire financial straits as a result of a natural disaster; and

Whereas, the Consolidated Farmers Home Administration Act of 1961 (Section 321 (a)); 7 U.S.C. 1961, authorizes the Secretary of Agriculture to designate any area as an emergency loan area, "if he finds (1) that there exists in such area a general need for agricultural credit which cannot be met for temporary periods of time by private, cooperative, or other responsible sources . . . at reasonable rates and terms for loans for similar purposes and periods of time, and (2) that the need for such credit in such area is the result of a natural disaster."; and

Whereas, it is the understanding of the Idaho Legislature that the United States Department of Agriculture has refused to declare these affected farmers eligible for Farmers Home Administration loans under the above act.

Now, therefore, be it resolved by the Second Regular Session of the Fortieth Idaho Legislature, the Senate and House of Representatives concurring, that we most respectfully urge the Secretary of Agriculture to declare the affected farmers eligible for FHA emergency loans and to direct the FHA to work with the farmers in the area to help offset the economic crisis they face.

Be it further resolved that we respectfully urge our congressional delegation to continue their fine efforts toward obtaining emergency relief for these southwestern counties from the Secretary of Agriculture.

Be it further resolved that the Chief Clerk of the House of Representatives be, and he hereby is, authorized and directed to forward certified copies of this Memorial to the leadership of the Senate and House of Representatives of Congress, to the Senators and Representatives representing this state in the Congress of the United States and the Honorable Secretary of Agriculture.

FIGHTING FETTERS ECONOMIES OF CENTRAL AMERICAN COUNTRIES

Mr. CHURCH. Mr. President, during the past few weeks, I am sorry to report, the torrid mini-war between Honduras and El Salvador flared up again. Peace talks, which were being held in Costa Rica under the auspices of the Central American Common Market, were suspended.

Economic progress within the warring states has been hampered by the brief July 1969 conflict in which U.S.-supplied weapons were used to kill at least 2,000 people—weapons, I might say, that were furnished to both sides under the ongoing military assistance program in Latin America. More fighting will only fetter further the economies of the whole region, as Lewis H. Diuguid outlines in the Washington Post of February 2, 1970, and James Nelson Goodsell confirms in the Christian Science Monitor of February 16, 1970.

Mr. Diuguid writes that Honduras, by closing its 65-mile stretch of the Pan American Highway to all traffic to and from El Salvador, has contributed to economic deterioration in both countries. In turn, this has meant markedly slowed activity for the Central American Common Market, to which both countries belong, along with Guatemala, Nicaragua, and Costa Rica. Mr. Diuguid gives a brief rundown on each of these nations.

I ask unanimous consent, Mr. President, that two reports of the fighting which appeared in the Washington Evening Star, plus the Diuguid and Goodsell articles be printed in the RECORD.

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

[From the Washington Evening Star, Feb. 1, 1970]

HONDURAS, EL SALVADOR CLASH AT BORDER AGAIN

TEGUCIGALPA, HONDURAS.—Fresh fighting was reported along the Honduras-El Salvador border yesterday, the day after peace delegates from the two countries agreed to pull their troops back from the disputed border.

Honduras said a battalion of Salvadoran infantry broke across the border before dawn with air and artillery support and was repulsed after a six-hour battle.

El Salvador said Honduran troops tried to penetrate the border at a different point, also before dawn, but that Salvadoran forces beat them back and killed several of them.

The peace delegations had been meeting in San Jose, Costa Rica, since El Salvador and Honduras fought a five-day war last July in which more than 2,000 persons were killed.

The delegates had called an outbreak of fighting Thursday an "isolated incident" and adjourned Friday after agreeing to resume the talks Feb. 23.

Still untouched in the long series of meetings is the question of disputed territory along the ill-defined border, which is the basis of much of the conflict between the two countries.

[From the Washington Evening Star, Jan. 30, 1970]

HONDURAS, SALVADOR ARE FIGHTING AGAIN

MEXICO CITY.—Hostilities broke out again between Honduras and El Salvador yesterday. Each claimed the other started the shooting. The two governments suspended peace talks in Costa Rica at which they had been trying to ease the aftermath of their 100-hour war last July.

Honduras said a "considerable number" of dead Salvadoreans were left in Honduran territory. El Salvador's defense minister said he was waiting for casualty reports from the front.

El Salvador, smallest Spanish-speaking nation in the Western Hemisphere, claimed Honduran planes violated Salvadorean air space and then Honduran troops and armed civilians crossed the poorly defined border. El Salvador said its troops repulsed the invaders after a three-hour battle.

Honduras said the first attack was made by 100 Salvadorean ground troops, around dawn, and five hours later Salvadorean planes bombed two villages. The Honduran Foreign Ministry said that after a battle of several hours, the Salvadorean troops "were defeated, leaving behind a considerable number of guardsmen dead in Honduran territory."

Armed conflict along the border has been common since July, but Thursday's appeared to be the most serious since a cease-fire was declared on July 18.

At least 2,000 persons were killed in the war last summer, and Honduras closed the Pan American Highway, the lifeline of Central American commerce. Diplomats of other Central American countries had hoped that the peace talks in Costa Rica would improve the situation.

The two countries have a long history of economic, social and territorial disputes, stemming in large part from the fact that Honduras has five times the land and half the population of El Salvador. Land-hungry Salvadorean peasants migrated in large numbers into the rugged undeveloped Honduran lands along the border, and by last year an estimated 300,000 Salvadoreans were living on Honduran territory.

Honduras enacted a land redistribution law and began seizing the Salvadoreans' lands. Some 15,000 fled to El Salvador, and on July 14 Salvadorean troops crossed the border, charging that the Hondurans were committing atrocities on the Salvadoreans.

[From the Washington Post, Feb. 2, 1970]

TINY COLD WAR FETTERS CENTRAL AMERICA

(By Lewis H. Diuguid)

TEGUCIGALPA, HONDURAS—Since last July's misnamed Soccer War, Honduras has closed the U.S.-financed Pan American Highway to its adversary, El Salvador. And the political institutions of the Central American common market are moribund.

Fear and hatred resulted from that 100-hour war. But surprising economic recoveries by the invading El Salvador, and to a lesser extent by the invaded Honduras, have tempered passions to the point that in January delegations from each country began talks.

Border incidents continue. But the ideal of Central American unity has survived even in Honduras and El Salvador, despite the rancor fed in part by government and journalistic misinformation.

Central America consists of five diverse states with largely unproved ability to provide for their populations, which grow faster than any others on earth. They are linked by that critical highway, which U.S. money made possible; by a history of dependency on Uncle Sam; and lately by the common market that could lead to economic and political integration.

In the best of times, their economies grow slightly faster than their populations. Much of the terrain of the five countries is arid and most of it is mountainous. With unstable populations, the governments are notoriously volatile. Since the war there is the added agitation of refugees.

U.S. diplomats, common marketeers and local politicians throughout the area agree that regional integration will come slowly if at all, and on terms altered to better accommodate the area's diversity. The short-run impediment is the play of politics, with four of the five nations at some stage of electioneering.

Voting is a serious and fairly orderly business in Costa Rica, the one country to develop a strong democratic tradition. It was electing a president Sunday.

Guatemala, with a modern history of military coups and guerrilla warfare among left and right extremists, is on the verge of seeing, for the second time, a freely elected president complete a term. This first happened in 1950, and the leftist government that followed was toppled four years later in a coup organized by the CIA. The election will be March 1.

The upcoming election most influenced by the war is in El Salvador, which will choose a new legislature and municipal officials on March 8. Though the war unified all parties, the opposition Christian Democrats have now challenged the government's performance during and after the conflict. The ruling party is running some war heroes for office.

In Honduras, elections are a year away—if they come at all. But decisions must be made soon on selection of candidates if the constitution is to be observed. Chances are that it will not be, and the incumbent general will find a means of staying in power.

While the very prospect of elections can be looked on as hopeful in the combatant countries, an opposition politician in San Salvador voiced a common attitude when he said:

"Elections are valuable when they offer real alternatives, but no one is going to campaign for accommodation with the enemy and no one in office wants to look conciliatory in the talks with the other side."

The talks, in San Jose, Costa Rica, find Honduras insisting that it will not open the Pan American Highway to Salvadoran commerce until the common border—now undefined at some points—is clearly fixed. El Salvador says the border cannot be demarcated until the highway is open to its traders.

There is still at least exchange of mail between the two states, and each continues to trade with the other common market partners. Over-all, commerce in the common market remains at prewar levels.

Prospects for survival of the market are closely related to the diversity of the area, whose total size and population are similar to California's. Here are some impressions of the five nations:

GUATEMALA

Alone of the five, it has a rich cultural heritage, passed by Mayan ancestors to the Indians who today make up perhaps 60 per cent of the population. But except for those Indians who prefer the Spanish-oriented life of the capital and the towns, the descendants of the Mayans influence national policy only passively.

The Indians have contributed the ruins of a past civilization and the striking costumes and weavings still abundant, but power is in the hands of the military and the owners of land and budding industry.

President Julio Mendez Montenegro has balanced those interests against a cautious reform program. He has survived four years that saw a gradual weakening of Communist guerrillas in the countryside, partly because of equally virulent rightist counter-terror. This terror included the assassinations of, among hundreds, a U.S. ambassador and two military mission officers, and scores of kidnapings, including that of the archbishop of Guatemala City.

From this has emerged a presidential campaign offering fairly distinct choices—a right-wing colonel who as defense minister was associated with the violent repression of leftist guerrillas until President Mendez dismissed him; a candidate of the ruling Revolutionary Party who promises to carry on pretty much as has Mendez; a Christian Democrat heading a coalition that includes such Marxists as are allowed to engage in politics.

The Revolutionary Party's Mario Fuentes Pieruccini is favored to win. Many observers are impressed, however, by the rapid growth of the Christian Democrats. Their leftist ideology, efforts to organize rural cooperatives and work among the Indians have appealed to those who seek a sharp break with the past.

These same reformists are hopeful that, should Fuentes win, he will move more quickly for reforms now that the military sees no threat of revolution from the Revolutionary Party.

Guatemala's trade has benefited from the common market, and its diplomacy has been directed toward conciliating its two warring neighbors to the south.

One effort, by the same Cardinal Casariego who was kidnaped by rightist terrorists two years ago, shows the difficulties of Central American diplomacy.

The activist Cardinal invited the presidents of Honduras and El Salvador to attend a traditional Guatemalan religious ceremony, popular throughout the isthmus, on Jan. 15.

After much persuasion, the two countries' vice presidents did attend. San Salvador's Prensa Grafica, probably the most responsible news outlet in either country, offered this account of the Honduran's performance:

"Showing signs of violence in an evident state of having taken in liquor, he told the Central Americans at the inaugural dinner at Esquipulas: '. . . We don't come to talk of brotherhood. We Hondurans are ready for whatever comes, death, sadness, misery . . . but we all know we are prepared for war, come what may.' "

Asked about this account, Cardinal Casariego repudiated it. "I was standing between the vice presidents, who had a highball each," he said, adding, "There is a great willingness on both sides."

EL SALVADOR

"This is a city of sellers," said Napoleon Duarte, Christian Democratic mayor of San Salvador, the capital that dominates this

small country. "There is one seller for every 17 buyers."

Indeed, the streets abound with vendors of the most motley wares. But alternate employment is scarce.

Under the common market, El Salvador began to use its abundant labor force in industry that found outlets up and down the isthmus. When, after the war, Honduras blocked movement south of these goods by highway, Salvadoran industrialists devised seabarge and airlift alternatives that have kept the factories operating.

Now the one big money crop, coffee, has come in big just as the world price is climbing. This has provided jobs for the refugees from Honduras—estimated at 54,000 by the Salvadoran Red Cross and over 100,000 by the border-watching Organization of American States.

It was the gradual flow of some 300,000 Salvadorans from their crowded homeland into the vacant lands of Honduras that fundamentally caused the so-called Soccer War. Expulsion of a few squatters in Honduras raised tensions and soccer games triggered the violence. Refugees and exaggerated tales of atrocities poured across the border.

With many refugees at least temporarily employed in coffee and cotton, there are no visible concentrations of them, although often they have melded into the creek-bed slums of San Salvador. Some Salvadorans are now willing to question the worst atrocity stories, and the real if limited economic expansion has moderated truculence.

Yet the most formidable candidate in coming municipal elections is Col. Jesus Velasquez, "The Devil of Nueva Ocotepeque." That was the one major Honduran town captured by the Salvadorans before the OAS obtained a cease-fire. Velasquez is running for mayor of San Salvador.

Relatively advanced El Salvador has expanded industrially as a result of tariff-free trade within the common market, and it continues to do so. A shoe company that lost perhaps $800,000 in destroyed outlets in Honduras is said to have raised sales above prewar levels by exporting to the other countries—and now even to the United States.

El Salvador will be reluctant to alter the rules of the market that have been so beneficial.

HONDURAS

This is the least developed state, so short of institutions that the economic effects of the war are hard to measure.

The United States bore much of the blame for the conflict, in the eyes of Hondurans. One view was put bluntly by a foreign ministry official:

"We were not prepared for war. But the United States assured us there would be no war. We believed it, and we were invaded."

U.S. officials deny such an assurance was given, but there is little question that U.S. diplomats believed both armies were incapable of launching a border crossing.

The actual scale of the fighting, often exaggerated, shows their assessment was not so far off.

Nevertheless, the Honduras defeat was real. It resulted in demonstrations against the United States and the OAS, and in the purchase of modern small arms in Europe. The belief was that the U.S. could have prevented El Salvador from invading.

A U.S. official in the area said, "These countries just don't realize that they can no longer be dependent on the United States. Times have changed and so have we."

Honduras is in some ways two city-states, as much as a nation. This capital, like San Salvador, is populated by people of European descent or who are mixed European-Indian.

Near the Caribbean coast is San Pedro Sula, a fast-growing industrial town that also contains many Negroes from the islands. They are discriminated against and discouraged from moving to the capital. (When the Nixon Administration made known that it planned to send an ambassador who was Negro, Honduras rejected him.)

The two major cities are 170 miles apart but seven hours distant by road because this major trunk has yet to be paved.

Honduras has so little industry that it could not benefit fully from the common market lifting of tariffs. In the short run, Hondurans feel they were better served to spend their dollars earned from bananas to buy U.S. consumer goods. They were cheaper and better quality than those made behind the market's tariff wall.

Unless this situation is improved, Honduras is unlikely to assist in revival and expansion of the common market activity.

NICARAGUA

The largest in area of the five states, it suffers the same disadvantages of underindustrialization as Honduras and is a potential ally in forcing modification of the common market to benefit the backward.

Gen. Anastasio Somoza Debayle is president of a government dominated by his family for decades. Despite its relative disadvantage in the common market, Nicaragua has shared in the fairly rapid, uneven economic growth that was typical of the countries in the early 1960s. It is said to have averaged an 8 per cent annual increase in gross national product during those years.

COSTA RICA

Although it has economic problems typical of the area, this small and southernmost of the five nations is looked on as the one stable operative democracy. It has no army, though there was some pressure to create one when Honduras and El Salvador went to war.

The population is almost entirely of Spanish descent. Income is the highest in the area. Partly because of its stability, industrial concerns have located there to serve the common market, and Costa Rica's interests are served by survival of the trade bloc.

In the capitals of Central America, in modern buildings, often imaginatively designed, representatives of the various initialed organs of economic integration wait out the duration of a minature cold war.

As a lot, they do not discourage easily. They talk of steps to create a common currency, to form a true customs union, to coalesce politically.

"Ours is really a model for integration in the rest of Latin America," said one. "We have to succeed, and we will. Unless there is another war."

Meanwhile, along the undefined border with El Salvador, the Honduran peasants visit their shacks only in daylight. At night they withdraw to the hills. And the press and the radio of each side call the other the most astonishing names.

[From the Christian Science Monitor, Feb. 16, 1970]

EL SALVADOR AND HONDURAS DAMP DOWN DISPUTE AFTER TALKS

(By James Nelson Goodsell)

SAN JOSE, COSTA RICA.—Mediation efforts for some sort of resolution of the El Salvador-Honduras dispute have ended a first round of talks here with no evident success other than to schedule another session later this month.

But the whole dispute, which exploded last July in a small war between the two Central American nations, has lessened in intensity in the past several months. Moreover, there is growing feeling the two antagonists are seriously interested in a solution to the tangle.

TENSIONS EASE

Observers here, for example, point out that both Salvadorian and Honduran public and private statements at the San Jose talks were far less inflammatory than those from the same spokesmen last year.

Still, the very week the talks began here in early February, several border incidents took place along the ill-defined frontier separating the two nations. The news made major headlines in local newspapers and led to speculation, which now appears unfounded, that the talks were breaking up.

OAS SPONSORED

The mediation efforts are being sponsored by the Organization of American States (OAS), which had a key hand in bringing about a cessation of hostilities last July. Jose A. Mora, former secretary-general of the OAS, is the chief mediator. He voiced guarded optimism about the talks when he left this city to report to Galo Plaza Lasso, present secretary-general of the OAS, on progress of the talks.

"It will take time to resolve the differences," Mr. Mora said, "but we are on the way to such a resolution."

OBSERVERS WITHDRAWN

Meanwhile, the OAS has withdrawn the majority of its observers who were stationed in El Salvador and Honduras last July after the five-day war between the two nations. One observer has been left in each country, and the OAS is prepared to add others if needed.

But an OAS spokesman in San Salvador, El Salvador, said removal of the observers resulted from what he termed "the improved climate of relations between the two nations."

Both nations now appear to want some sort of regularization of their relations. "Our troubles are of long duration," a Salvadoran Foreign Ministry spokesman said, "but perhaps now we can bring a better feeling between us."

VOICES LOWERED

After the inflammatory statements of July in San Salvador, current Foreign Ministry remarks seem to indicate a softer approach by the Salvadoran Government. And the quiet tone of comment by Salvadoran officials supports this conclusion.

Honduran spokesmen are no less conciliatory in their comments. One member of the Honduran team at the mediation talks said privately, "We have some national honor to consider, but we are also interested in resolving the problems we have with our neighbor."

Whether such attitudes will continue as talks go into their second round later this month is not certain, but both sides seem to have reasons for wanting to ease tensions.

TRADE SUFFERS

First, both nations suffered heavily in actual fighting—not so much from casualties, although there were many, but more from economic losses resulting from war expenditures and serious disruptions of the two economies.

El Salvador, Central America's smallest nation—although one of the richest—depends heavily on trade with its Central American neighbors, and this was broken off at the time of the fighting. It has not fully resumed, and Salvadoran trade with other members of the Central American Common Market is down 60 percent over last year.

BUSINESS OFF 50 PERCENT

A variety of Salvadorian businessmen admitted to this correspondent recently that business was off as much as 50 percent. Although they may well support the general position their government took in the war, these businessmen are interested in restoration of their business activity to where it was before the fighting last July.

And El Salvador is also hard pressed to care for an estimated 75,000 refugees who have flocked into the small nation—3.2 million people packed into 7,772 square miles. These refugees are Salvadorians who had

moved into thinly populated Honduras in search of land and jobs. They were one of the key reasons for the dispute that led to the war.

BITTERNESS LINGERS

In Honduras a similar economic slowdown has been registered. It seems less noticeable only because the economy is much less vigorous than that in El Salvador. And Honduran businessmen are pressuring the government for some relief.

Still, bitterness between the two nations runs deep. And it will take time to heal some of the wounds of the past year. Dr. Mora seemed to recognize this when he said, "The past is very much with us."

Dr. Mora and the OAS mediators hope to put more emphasis on the future, not to obscure the past but to point to both nations' need for better relations if they are to get their economic structures back in full working order.

AMERICAN PRISONERS OF WAR IN SOUTHEAST ASIA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 698, House Concurrent Resolution 454.

The PRESIDING OFFICER. The concurrent resolution will be read.

The assistant legislative clerk read as follows:

H. CON. RES. 454

Whereas more than one thousand three hundred members of the United States Armed Forces are prisoners of war or missing in action in Southeast Asia; and

Whereas North Vietnam and the National Liberation Front of South Vietnam have refused to identify prisoners they hold, to allow impartial inspection of camps, to permit free exchange of mail between prisoners and their families, to release seriously sick or injured prisoners, and to negotiate seriously for the release of all prisoners and thereby have violated the requirements of the 1949 Geneva Convention on prisoners of war, which North Vietnam ratified in 1957; and

Whereas the twenty-first International Conference of the Red Cross, meeting in Istanbul, Turkey, on September 13, 1969, adopted by a vote of 114 to 0 a resolution calling on all parties to armed conflicts to insure humane treatment of prisoners of war and to prevent violations of the Geneva Convention; and

Whereas the United States has continuously observed the requirements of the Geneva Convention in the treatment of prisoners of war; and

Whereas the United States Government has repeatedly appealed to North Vietnam and to the National Liberation Front to comply with the provisions of the Geneva Convention: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress strongly protest the treatment of United States servicemen held prisoner by North Vietnam and the National Liberation Front of South Vietnam, calls on them to comply with the requirements of the Geneva Convention, and approves and endorses efforts by the United States Government, the United Nations, the International Red Cross, and other leaders and peoples of the world to obtain humane treatment and release of American prisoners of war.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and Senate will proceed to the consideration of the concurrent resolution.

Mr. MANSFIELD. Mr. President, this concurrent resolution has been reported from the Foreign Relations Committee unanimously. I am sure that it has the full support of the Senate. I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–705), explaining the purposes of the measure.

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

PURPOSE OF THE RESOLUTION

The purpose of the resolution is to place the Congress on record in support of humane treatment for U.S. prisoners of war and to focus world attention on the failure of North Vietnam and the National Liberation Front to comply with the provisions of the Geneva convention on the treatment of prisoners of war.

COMMITTEE ACTION

Five resolutions concerning the treatment of U.S. prisoners of war by North Vietnam and the National Liberation Front have been introduced in the Senate. These are:

S. Con. Res. 33, by Senator Scott

S. Con. Res. 43, by Senator McGovern

S. Res. 243, by Senator Bayh

S. Res. 245, by Senator Montoya (for himself, and Senator Cranston)

S. Res. 257, by Senator Tower (for himself, and Senators Bellmon, Bennett, Byrd of Virginia, Curtis, Dodd, Dole, Eastland, Fannin, Fong, Gore, Gurney, Holland, Hollings, Mansfield, Murphy, Pearson, Pell, Randolph, Smith of Maine, Stevens, Thurmond, and Young of North Dakota)

H. Con. Res. 454 was approved by the House of Representatives on December 15, 1969, by a vote of 405–0 and was referred to the Committee on Foreign Relations. Unfortunately, it came before the committee too late for consideration prior to adjournment. The resolution was discussed by the committee in executive session on January 21 and on February 10 was approved without opposition or amendment. The views of the Department of State on the resolution are in the following letter from the Acting Secretary of State, Elliot L. Richardson:

DEPARTMENT OF STATE,
Washington, February 12, 1970.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: I was glad to note that the committee approved H. Con. Res. 454, expressing the concern of the Congress about the treatment and welfare of American prisoners of war and missing in action personnel in Southeast Asia.

As you know, there is wide concern about the plight of our men who are captured or missing in Southeast Asia. In many cases the men's families have lived for years with no word as to the fate of their loved one. From the start of the Vietnam conflict our Government has sought to keep the subject of prisoners of war separate from the political and military issues of the conflict, and to approach it on a humane basis. This is the spirit of the Geneva Prisoner of War Convention of 1949, by which North Vietnam, South Vietnam, the United States, and the other nations with forces supporting the Republic of Vietnam are bound. The convention sets forth basic requirements for humane treatment of prisoners of war, disclosure of information, impartial inspection, and early release of seriously sick and wounded prisoners. We deeply regret North Vietnam's refusal to live up to these fundamental humanitarian standards.

I hope the Senate will give early approval to this resolution as an expression of concern about the many American military personnel who are prisoners of war or missing in action in Southeast Asia.

Sincerely,

/S/ ELLIOT L. RICHARDSON,
Acting Secretary.

BACKGROUND CONCERNING THE PRISONER PROBLEM

As of January 24 there were 1,447 U.S. servicemen who were missing or presumed captured in Southeast Asia. A breakdown of this figure follows:

Missing in action and believed captured—American servicemen in Southeast Asia—Jan. 24, 1970

Missing in action (location):	
South Vietnam	401
North Vietnam	414
Laos	185
Subtotal	1,000
Believed captured (location):	
South Vietnam	72
North Vietnam	368
Laos	7
Subtotal	447
Total	1,447

Thus far in the war, North Vietnam has released a total of nine United States prisoners and the National Liberation Front has released 23. Many hundreds of prisoners have been released by the allied side, including 89 released to the North. North Vietnam has refused to accept the return of prisoners of war since 1967. In recent months the Republic of Vietnam has tried without success to arrange the return of 62 sick or wounded prisoners of war to North Vietnam.

The 1949 Geneva convention on the treatment of prisoners of war, agreed to by the United States in 1955, South Vietnam in 1953, and North Vietnam in 1957, specifies minimum standards for treatment of prisoners, including requirements that information be provided on the prisoners held, that prisoners be allowed to send and receive mail, that neutral representatives be permitted to visit prison camps, and that seriously sick and wounded prisoners be released as soon as they can travel. The convention applies to "all cases of declared war or of any other armed conflict which may arise between two or more of the high contracting parties, even if the state of war is not recognized by one of them."

The United States turns over to the South Vietnamese any prisoners our forces capture. The South Vietnamese operate six prisoner of war camps holding some 33,000 prisoners of war, of which about 7,000 are North Vietnamese. The camps are visited regularly by representatives of the International Committee of the Red Cross, the names of prisoners have been made available to the ICRC, and prisoners have the right to send and receive mail.

The United States has tried time after time to persuade North Vietnam and the National Liberation Front to comply with the basic minimum standards required by the Geneva convention, but North Vietnam contends that U.S. prisoners are "war criminals." They have refused to identify prisoners they hold, and only a limited number of those known to have been captured have been allowed to communicate with the outside world. Mail has been received thus far from only about 175 U.S. servicemen held by North Vietnam, and, as a consequence, hundreds of wives, parents, and children of U.S. servicemen missing in action in Vietnam do not know if their loved one is dead or alive. The sick and wounded have not been released, or even identified, and the International Committee of the Red Cross' repeated requests for permission to visit the prison facilities have been denied.

RESOLUTION ADOPTED BY THE INTERNATIONAL CONFERENCE OF THE RED CROSS

After failure of all attempts through diplomatic channels to obtain compliance with the Geneva convention on treatment of prisoners of war, the executive branch last year

decided to focus world attention on the prisoner issue as a possible means of influencing North Vietnam and the National Liberation Front to take a more reasonable position. The President has spoken out strongly on the issue, as can be seen from his remarks at a recent White House meeting with wives and mothers of missing and captured U.S. servicemen:

"THE PRESIDENT'S REMARKS FOLLOWING A MEETING WITH 26 OF THE WIVES AND MOTHERS AT THE WHITE HOUSE, DECEMBER 12, 1969

"Ladies and gentlemen, I have the very great honor to present in this room today five of the most courageous women I have had the privilege to meet in my life.

"Mrs. Nixon and I have met with 26 women, of which these are a part, representing approximately 1,500 women, mothers and wives of American servicemen who are missing in Vietnam and who are or may be prisoners of war. Some of these men have been prisoners or missing for as long as 5 years, most of them 2 to 3 years.

"Insofar as the treatment of prisoners is concerned, it would probably not be inaccurate to say that the record in this war is one of the most unconscionable in the history of warfare. And there have been, of course, some very bad examples in past wars, as we know.

"What I have assured these very courageous women is that, first, in reaching a settlement of the war that an integral part of any settlement that is agreed to must be a settlement that is satisfactory on the prisoner issue and, second, that clearly apart from reaching an overall settlement of the war that this Government will do everything that it possibly can to separate out the prisoner issue and have it handled as it should be, as a separate issue on a humane basis.

"Finally, I would simply add that while we all know that there is disagreement in this country about the war in Vietnam and while there is dissent about it on several points, that on this issue, the treatment of prisoners of war, that there can be and there should be no disagreement.

"The American people, I am sure, are unanimous in expressing their sympathy to these women, to their children, and also in supporting their Government's attempt to get the Government of North Vietnam and the VC to respond to the many initiatives which we have undertaken to get this issue separated out and progress made on it prior to the time that we reach a complete settlement of the war.

"I understand they will be here to answer questions."

The subject has been raised repeatedly in the Paris peace talks, and statements of December 30, 1969, and February 5, 1970, by the acting chief U.S. negotiator, Ambassador Philip C. Habib, are printed as an appendix to this report. The United States also brought up the issue during the recent session of the General Assembly of the United Nations, and the statements made in committee there by Rita E. Hauser, U.S. Alternate Delegate, are also printed as an appendix.

In an expression of world concern on this subject, the 21st International Conference of the Red Cross, meeting in Istanbul, Turkey, in September 1969, adopted a resolution calling for all parties to armed conflict to insure humane treatment of prisoners of war and to abide by the obligations of the Geneva Convention. The statement made by the Chairman of the U.S. delegation to the Conference, Ambassador Graham Martin, is also printed in the appendix. The resolution, adopted by a vote of 114 to 0, follows:

TEXT OF RESOLUTION ADOPTED BY THE 31ST INTERNATIONAL CONFERENCE OF THE RED CROSS, ISTANBUL, TURKEY, SEPTEMBER 13, 1969

Recalling the Geneva Convention of 1949 on the protection of prisoners of war and the historic role of the Red Cross as a protestor of victims of war,

Considering that the Convention applies to each armed conflict between two or more parties to the Convention without regard to how the conflict may be characterized,

Recognizing that, even apart from the Convention, the international community has consistently demanded humane treatment for prisoners of war, including identification and accounting for all prisoners, provision of an adequate diet and medical care, that prisoners be permitted to communicate with each other and with the exterior, that seriously sick and wounded prisoners be promptly repatriated, and that at all times prisoners be protected from physical and mental torture, abuse, and reprisals,

Requests each party to the Convention to take all appropriate measures to insure humane treatment and prevent violations of the Convention,

Calls upon all parties to abide by the obligations set forth in the convention and upon all authorities involved in the armed conflict to insure that all uniformed members of the regular armed forces of another party to the conflict and all other persons entitled to prisoner-of-war status are treated humanely and given the fullest measure of protection prescribed by the convention; and further calls upon all parties to provide free access to the prisoner of war and to all places of their detention by a protecting power or by the International Committee of the Red Cross.

COMMITTEE COMMENTS

House Concurrent Resolution 454 expresses congressional support of the observance of the Geneva convention of 1949 by all combatants. It is hoped that the resolution will encourage further efforts by the International Conference of the Red Cross, the United Nations, and other international organizations to secure the observance of the Geneva convention by North Vietnam and the National Liberation Front.

The resolution reaffirms the continuing concern of the Congress of the United States over the plight of captured and missing American servicemen and assures their families that the Congress understands their anguish and continues to support in every way the efforts of our Government and international organizations to secure the humane treatment of American prisoners of war under the Geneva convention of 1949.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (H. Con. Res. 454) was agreed to.

The PRESIDING OFFICER. Without objection, the preamble is agreed to.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. GRIFFIN. 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, may I say that I am delighted that action has been taken unanimously by the Senate. I am hopeful that the concern which we all feel for prisoners of war in North Vietnam and Laos will be considered in any further discussions of this matter among the parties involved, in Paris and elsewhere.

Mr. ALLOTT. Mr. President, I am delighted that the Committee on Foreign Relations has reported House Concurrent Resolution 454, concerning treatment of the more than 1,300 American servicemen held prisoner in North Vietnam, and that this resolution has been adopted by the Senate unanimously today.

This resolution passed the House of Representatives on December 15, 1969, without a dissenting vote. It reads as follows:

Whereas more than one thousand three hundred members of the United States Armed Forces are prisoners of war or missing in action in Southeast Asia; and

Whereas North Vietnam and the National Liberation Front of South Vietnam have refused to identify prisoners they hold, to allow impartial inspection of camps, to permit free exchange of mail between prisoners and their families, to release seriously sick or injured prisoners, and to negotiate seriously for the release of all prisoners and thereby have violated the requirements of the 1949 Geneva Convention on prisoners of war, which North Vietnam ratified in 1957; and

Whereas the twenty-first International Conference of the Red Cross, meeting in Istanbul, Turkey, on September 13, 1969, adopted by a vote of 114 to 0 a resolution calling on all parties to armed conflicts to ensure humane treatment of prisoners of war and to prevent violations of the Geneva Convention; and

Whereas the United States has continuously observed the requirements of the Geneva Convention in the treatment of prisoners of war; and

Whereas the United States Government has repeatedly appealed to North Vietnam and to the National Liberation Front to comply with the provisions of the Geneva Convention: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress strongly protests the treatment of United States service men held prisoner by North Vietnam and the National Liberation Front of South Vietnam, calls on them to comply with the requirements of the Geneva Convention, and approves and endorses efforts by the United States Government, the United Nations, the International Red Cross, and other leaders and peoples of the world to obtain humane treatment and release of American prisoners of war.

As Senators recall, the day after this resolution passed the House of Representatives, over 40 Senators joined me in urging the Committee on Foreign Relations to give the resolution prompt attention.

Mr. President, all of us are anxious for North Vietnam and the Vietcong to comply with all provisions of the Geneva convention, and especially with the provision which requires a captor to identify prisoners.

The weeks and months fly by for Americans engaged in the activities of normal free life. But time must weigh heavily on the Americans in North Vietnam. And time weighs especially heavily on the thousands of wives, children, parents, relatives, and other loved ones who live in a twilight of despair, uncertain as to whether those they love are even alive.

Mr. President, the United States itself holds no prisoners. But the South Vietnamese Government, to which we entrust the men we capture, is currently holding over 30,000 North Vietnamese and Vietcong.

These prisoners are granted the right to send and receive mail and packages. This is a right our men in North Vietnam do not enjoy.

The South Vietnamese Government's detention facilities have been open to inspection by the International Red Cross. The North Vietnamese have not similarly opened their facilities.

Most important, the names of all enemy prisoners in South Vietnam have

been turned over to the Red Cross. The North Vietnamese are especially callous in refusing to even identify their prisoners. Thus they inflict tormenting doubt on thousands of Americans here at home.

Mr. President, each of us hopes the North Vietnamese and the Vietcong will relent in their wretched policy of long-distance torture. We expect them to show a decent respect for the opinion of mankind by taking affirmative action to release the names of all prisoners.

Mr. President, I appreciate the expeditious treatment afforded this measure here in the Senate. Final Senate action unites the voices of outrage and concern which have been raised within the halls of Congress and affirms a unified congressional statement of protest on this most important issue.

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.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON WORK OF THE COOPERATIVE FARM CREDIT SYSTEM

A letter from the Governor, Farm Credit Administration, transmitting, pursuant to law, a report of the Administration on the work of the cooperative Farm Credit System, including the report of the Federal Farm Credit Board, covering the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT ON PROPOSED ARMY RESERVE FACILITIES PROJECT

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing) reporting, pursuant to law, the location, nature, and estimated cost of a facilities project proposed to be undertaken for the Army Reserve at Flint, Mich.; to the Committee on Armed Services.

PROPOSED LEGISLATION TO AUTHORIZE THE DISPOSAL OF NATURAL BATTERY GRADE MANGANESE ORE FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of natural battery grade manganese ore from the national stockpile and the supplemental stockpile (with accompanying papers); to the Committee on Armed Services.

PROPOSED LEGISLATION TO AUTHORIZE THE DISPOSAL OF SURINAM TYPE METALLURGICAL GRADE BAUXITE FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of Surinam type metallurgical grade bauxite from the national stockpile and the supplemental stockpile (with accompanying papers); to the Committee on Armed Services.

REPORT ON PROPOSED SALE OF COMMUNICATIONS FACILITIES IN ALASKA

A letter from the Deputy Secretary of Defense, reporting, pursuant to law, on the progress of the sale of the Government-owned communications facilities in Alaska, for the 1969 calendar year; to the Committee on Armed Services.

REPORT OF RESEARCH AND DEVELOPMENT ACTIONS OF THE DEPARTMENT OF THE NAVY OF $50,000 AND OVER

A letter from the Acting Deputy Chief of Naval Materiel (Procurement and Production), transmitting, pursuant to law, a report of the Navy Department's research and development procurement actions of $50,000 and over, covering the period July 1 through December 31, 1969 (with an accompanying report); to the Committee on Armed Services.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the allowances for independent research and development costs in negotiated contracts—issues and alternatives, Department of Defense, National Aeronautics and Space Administration, Atomic Energy Commission, dated February 16, 1970 (with an accompanying report); to the Committee on Government Operations.

PROPOSED LEGISLATION PROVIDING FOR THE CONTINUANCE OF CIVIL GOVERNMENT FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands (with an accompanying paper); to the Committee on Interior and Insular Affairs.

PROCEEDINGS OF NATIONAL CONVENTION, LADIES OF THE GRAND ARMY OF THE REPUBLIC, INC.

A letter from the District of Columbia representative, Ladies of the Grand Army of the Republic, Inc., transmitting, pursuant to law, a copy of the proceedings of the 83d Annual National Convention of the Ladies of the Grand Army of the Republic, Inc. (with accompanying pamphlet); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the State of South Dakota; to the Committee on Agriculture and Forestry:

"HOUSE CONCURRENT RESOLUTION 501

"A concurrent resolution, Memorializing the Congress of the United States to immediately enact legislation to ban the use of DDT and other persistent and harmful pesticides and chemicals which are detrimental to man and his environs far beyond any benefits which might be derived from their application

"Be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

"Whereas, on November 12, 1969, the Honorable Robert H. Finch, Secretary of Health, Education and Welfare (HEW), announced that steps are being taken to phase out the use of DDT, prohibiting all but the most "essential" uses of DDT during the next two years, and that the United States Departments of Agriculture and Interior would join HEW in the plan to implement this program; and

"Whereas, Secretary Finch did not make it clear which uses of DDT might be continued to be deemed acceptable and no details were given as to how or when the HEW program might be commenced; and

"Whereas, although the United States Department of Agriculture is said to be participating in the HEW program, its Secretary, the Honorable Clifford M. Hardin, has the power to immediately suspend and cancel the registration of all economic poisons containing DDT pursuant to the Federal insecticide, Fungicide and Rodenticide Act and, having been formally petitioned by several national conservation organizations, has not given any public indication of an intent to use these powers; and

"Whereas, several states, including Wisconsin, have banned or are considering banning the use of DDT and at public hearings held in the state of Wisconsin the inescapable scientific conclusion was 'that DDT is a de facto contaminant with harmful consequences to the environment far beyond the benefits derived from its application'; and

"Whereas, a special commission established by Secretary Finch in April, 1969, upon whose recommendations he made his recent announcements also found that the use of other 'hard pesticides' should, in addition to DDT, be reviewed with the possibility of their being banned and issued the serious warning that curtailment of DDT might lead to an increased use of other persistent pesticides such as aldrin, dieldrin, endrin, heptachloride, lindane, and compounds containing arsenic, lead mercury or other dangerous elements; and

"Whereas, other pesticides are known and available which do not have an adverse effect on most forms of life or seriously threaten the quality of the environment; and

"Whereas, even if all uses of DDT were stopped immediately, it could take ten years or longer before the deadly effects of the chemical would be diminished, as the chemical composition of DDT is exceptionally long-lived; and

"Whereas, in light of the established dangers to man and his environs, it is impracticable and unrealistic to attempt to control this problem which is of national consequence by state action which is time-consuming and at best piecemeal, while the Congress by appropriate action could give immediate and direct relief:

"Now, therefore, be it resolved, by the House of Representatives of the Forty-fifth Legislature of the state of South Dakota, the Senate concurring therein, that the Congress of the United States take immediate and effective steps to enact legislation to ban the use of DDT and other persistent and harmful pesticides and chemicals which are harmful to man and his environs far beyond any benefits which might be derived from their application and that, contingent upon hearings or investigations which might be necessary or appropriate, it by proper resolution direct the United States Departments of Agriculture, Interior, and Health, Education, and Welfare to implement through their respective administrative authorities a complete and comprehensive interim moratorium on the manufacture, sale and use of all such chemicals; and

"Be it further resolved, that copies of this concurrent resolution be transmitted by the Chief Clerk of the House of Representatives of the state of South Dakota to the offices of the President and Vice President of the United States, the office of the Speaker of the House of Representatives of the United States, the office of the Secretary of Agriculture of the United States, the office of the Secretary of the Interior of the United States, the office of the Secretary of Health, Education and Welfare of the United States, the members of the congressional delegation of

the state of South Dakota, and the Governor of the state of South Dakota.

"Adopted by the House, January 26, 1970.

"Concurred in by the Senate, February 3, 1970.

"DEXTER GUNDERSON,
"Speaker of the House.
"JIM ABDNOR,
"President of the Senate.

"Attest:

"PAUL INMAN,
"Chief Clerk of the House.
"WILLIAM BERGUIN,
"Secretary of the Senate."

A concurrent resolution of the Legislature of the State of South Dakota; to the Committee on Banking and Currency:

"HOUSE CONCURRENT RESOLUTION 512

"A concurrent resolution, Memorializing the Congress of the United States to instruct and direct the Treasury Department of the United States to issue the one dollar bill of the currency of the United States depicting the Mount Rushmore National Memorial, 'The Shrine of Democracy', thereon.

"Be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

"Whereas, Mount Rushmore National Memorial, located in the scenic Black Hills area of the state of South Dakota, has been officially proclaimed as 'The Shrine of Democracy' and is recognized as a national monument; and,

"Whereas, the federal government has played a vital role in the recognition and financing of the Mount Rushmore National Memorial; and,

"Whereas, Mount Rushmore National Memorial has been acclaimed a national and international reputation and is visited annually by hundreds of thousands of people from throughout the country and from many foreign nations; and,

"Whereas, the portrayal of the Mount Rushmore National Memorial envisaged our national heritage and the religious, social and economic freedoms for which it stands; and,

"Whereas, the great Americans enshrined by this Memorial, Presidents George Washington, Thomas Jefferson, Abraham Lincoln and Theodore Roosevelt, have come to be known as the founding fathers of some of the most meaningful traditions incumbent to our way of life; as inspirations to all who are concerned with the preservation and safeguarding of a democratic society, and, as courageous and faithful defenders of the basic principles underlying our form of government by having dedicated themselves to overcoming what during their respective times were considered and are now recognized as some of the greatest trials which our system of free democracy has confronted; and,

"Whereas, as was true in the past and is now true during present times of national and international strife and conflict, it is necessary and proper that the symbols of freedom and democracy be emphasized and brought before the people by their governmental representatives; and,

"Whereas, it has been the custom and policy of the Treasury Department of the United States to utilize the likenesses of the outstanding and immortal leaders of this country on various series and denominations of our currency; and,

"Whereas, the use of a representation of the Mount Rushmore National Memorial, 'The Shrine of Democracy', on the one dollar bill of our currency by the Treasury Department of the United States would serve as a daily reminder of the spirit and ideals of all Americans:

"Now, therefore, be it resolved, by the House of Representatives of the Forty-fifth Legislature of the state of South Dakota, the Senate concurring therein, that the Congress of the United States be memorialized to take whatever action might be necessary and appropriate to the instruction and direction of the Treasury Department of the United States to issue the one dollar bill of the currency of the United States depicting the Mount Rushmore National Memorial, 'The Shrine of Democracy', thereon; and,

"Be it further resolved, that if it be determined by the Treasury Department of the United States that it need no instruction or direction by the Congress of the United States to accomplish the purpose and intent of this Resolution, that it initiate and implement whatever action it might take to accomplish its objective; and,

"Be it further resolved, that copies of this concurrent resolution be transmitted by the secretary of the senate of the state of South Dakota to the offices of the President and Vice-President of the United States, the Speaker of the House of Representatives of the United States, the members of the Congressional delegation of the state of South Dakota, the Secretary of the Treasury Department of the United States, and the Governor of the state of South Dakota.

"Adopted by the House, January 29, 1970.

"Concurred in by the Senate, February 5, 1970.

"DEXTER GUNDERSON,
"Speaker of the House.
"JIM ABDNOR,
"President of the Senate.

"Attest:

"PAUL INMAN,
"Chief Clerk of the House.
"WILLIAM BERGUIN,
"Secretary of the Senate."

Two resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Finance:

"RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT A FEDERAL-STATE TAX-SHARING PROGRAM

"Whereas, The states have inadequate revenue sources to finance the burdens imposed upon them by mounting welfare, education and health costs; and

"Whereas, The federal government has greater ability to impose taxes without the problem of competing with other jurisdictions; therefore be it

"Resolved, That the General Court of Massachusetts hereby respectfully urges the Congress of the United States to enact legislation providing for the sharing of a fixed percentage of revenues from the individual federal income tax with state governments; and be it further

"Resolved, That a copy of these resolutions be sent by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

"Senate, adopted, January 27, 1970.

"NORMAN L. PIDGEON,
"Clerk.

"House of Representatives, adopted in concurrence, January 29, 1970.

"WALLACE C. MILLS,
"Clerk."

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO DIRECT THE INTERNAL REVENUE SERVICE TO SIMPLIFY THE RETIREMENT INCOME SECTIONS OF THE INDIVIDUAL INCOME TAX RETURNS

"Whereas, Elderly Persons have suffered great difficulty and confusion in computing and filling out the retirement income sections of the individual income tax returns; therefore be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation directing the internal revenue service to simplify the retirement income sections of the individual income tax returns; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth."

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on Interior and Insular Affairs:

"HOUSE CONCURRENT RESOLUTION 25

"Whereas, the Congress of Micronesia has conscientiously committed itself to the Herculean task of improving the well-being of the 95,000 residents of the Trust Territory of the Pacific who are scattered on more than 2100 islands over an area larger than the continental United States; and

"Whereas, more than two decades have passed since the United States was granted a United Nations mandate to administer the Islands; and

"Whereas, although there has been some improvement in the living standards of the island residents during this time, the United States has failed to allocate sufficient resources to the Trust Territory to effect meaningful improvement for the majority of the residents; and

"Whereas, the federal government and the Hawaii state government have in abundance the knowledge, training, information, and resources which are so scarce in Micronesia; and

"Whereas, the United States government has a legal obligation to supply assistance to a people under its trusteeship; and

"Whereas, the Hawaii state government has a moral obligation to do likewise for our Pacific island brethren; now, therefore,

"Be it resolved by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, the Senate concurring, that state and federal officials be and hereby are requested to extend every assistance to the Congress of Micronesia as it endeavors to improve the well-being of the people of the United States Trust Territory of the Pacific Islands; and

"Be it further resolved that duly certified copies of this Concurrent Resolution be transmitted to the President of the United States, Richard M. Nixon; the Secretary of the Interior, Walter J. Hickel; the President of the United States Senate, Spiro J. Agnew; the Speaker of the United States House of Representatives, John W. McCormack; the Hawaii Congressional Delegation, Senators Daniel K. Inouye and Hiram L. Fong; and Representatives Spark M. Matsunaga and Patsy T. Mink; the Governor of the State of Hawaii, John A. Burns; the President of the Hawaii Senate David C. McClung; and the Speaker of the Hawaii House of Representatives, Tadao Beppu; and

"Be it further resolved that duly certified copies of this Concurrent Resolution be transmitted to the President of the Senate, Amata Kabua and to the Speaker of the House of Representatives, Bethwel Henry of the Congress of Micronesia.

"We hereby certify that the foregoing Concurrent Resolution was this day adopted by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session of 1970.

"TADAO BEPPU,
"Speaker, House of Representatives.
"SHIGETO KANEMOTO,
"Clerk, House of Representatives.

"We hereby certify that the foregoing Concurrent Resolution was this day adopted by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970.

"DAVID C. MCCLUNG,
"President of the Senate.
"SEICHI HIRAI,
"Clerk of the Senate.

"HOUSE CONCURRENT RESOLUTION REQUESTING STATE AND FEDERAL OFFICIALS TO EXTEND EVERY ASSISTANCE TO THE CONGRESS OF MICRONESIA AS IT ENDEAVORS TO IMPROVE THE WELL-BEING OF THE PEOPLE OF THE U.S. TRUST TERRITORY OF THE PACIFIC ISLANDS

"Whereas, the Congress of Micronesia has conscientiously committed itself to the Herculean task of improving the well-being of the 95,000 residents of the Trust Territory of the Pacific who are scattered on more than 2100 islands over an area larger than the continental United States; and

"Whereas, more than two decades have passed since the United States was granted a United Nations mandate to administer the Islands; and

"Whereas, although there has been some improvement in the living standards of the island residents during this time, the United States has failed to allocate sufficient resources to the Trust Territory to effect meaningful improvement for the majority of the residents; and

"Whereas, the federal government and the Hawaii state government have in abundance the knowledge, training, information, and resources which are so scarce in Micronesia; and

"Whereas, the United States government has a legal obligation to supply assistance to a people under its trusteeship; and

"Whereas, the Hawaii state government has a moral obligation to do likewise for our Pacific island brethren; now, therefore,

"Be it resolved by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session in 1970, the Senate concurring, that state and federal officials be and hereby are requested to extend every assistance to the Congress of Micronesia as it endeavors to improve the well-being of the people of the United States Trust Territory of the Pacific Islands; and

"Be it further resolved that duly certified copies of this Concurrent Resolution be transmitted to the President of the United States, Richard M. Nixon; the Secretary of the Interior, Walter J. Hickel; the President of the United States Senate, Spiro T. Agnew; the Speaker of the United States House of Representatives, John W. McCormack; the Hawaii Congressional Delegation, Senators Daniel K. Inouye and Hiram L. Fong; and Representatives Spark M. Matsunaga and Patsy T. Mink; the Governor of the State of Hawaii, John A. Burns; the President of the Hawaii Senate, David C. Mclung; and the Speaker of the Hawaii House of Representatives, Tadao Beppu; and

"Be it further resolved that duly certified copies of this Concurrent Resolution be transmitted to the President of the Senate, Amata Kabua and to the Speaker of the House of Representatives, Bethwel Henry of the Congress of Micronesia."

A joint memorial of the Legislature of the State of Washington; to the Committee on Post Office and Civil Service:

"HOUSE JOINT MEMORIAL NO. 2

"To the honorable Richard M. Nixon, President of the United States, the President of the Senate and Speaker of the House of Representatives, and to the Senate and House of Representatives of the United States, in Congress Assembled

"We, Your memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, most respectfully represent and petition as follows:

"Whereas, For many years the United States and Canada have had a common border line at Blaine, Washington, a port of entry from the United States to Canada and a port of entry from Canada to the United States and no border obstruction or barrier of any kind has ever existed; and

"Whereas, 1971 will mark the 50th Anniversary of the Peace Arch which was erected on this unguarded border line as a monument to the good will of these nations, bearing among evidences of friendship and community of interest, the inscription "Children of a Common Mother"; and

"Whereas, The President of the United States and the Prime Minister of Canada in recognition of the international friendship and mutual respect which the Peace Arch so magnificently symbolizes, chose this place as the location for signing the Columbia River Treaty; and

"Whereas, the United States Senators and United States Representatives from the State of Washington, cordially extend a personal invitation to President Richard M. Nixon to attend the 50th Anniversary Celebration of the Peace Arch Commemoration; and

"Whereas, The message of peace, good will and international cooperation which is embodied by the Peace Arch might best be further expressed and widely disseminated through the printing and publication of a United States postage stamp commemorating the 50th Anniversary of the Peace Arch;

"Now, therefore, Your Memorialists respectfully pray that the Congress and Executive Department of the United States take appropriate action to design, print and publish a suitable postage stamp for this Anniversary commemorating the Peace Arch; and

"Be it further resolved, That copies of this memorial be immediately transmitted by the Secretary of State to the Honorable Richard M. Nixon, President of the United States, the President of the United States Senate and the Speaker of the House of Representatives, the Postmaster General, and to each Senator and Representative in Congress from the State of Washington.

"Passed the House January 30, 1970.

DON ELDRIDGE,
"Speaker of the House.

"Passed the Senate February 3, 1970.

JOHN A. CHERBERG,
"President of the Senate."

A joint resolution of the Congress of Micronesia; praying for the enactment of legislation to extend the services of the Farm Credit Administration to the farmers of the Trust Territory of the Pacific Islands; to the Committee on Agriculture and Forestry.

BILLS INTRODUCED

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

By Mr. BELLMON (for himself, Mr. SCOTT, Mr. MANSFIELD, Mr. BENNETT, Mr. CURTIS, Mr. DODD, Mr. DOLE, Mr. DOMINICK, Mr. FONG, Mr. GOODELL, Mr. GRIFFIN, Mr. HARTKE, Mr. HATFIELD, Mr. HRUSKA, Mr. PACKWOOD, Mr. PEARSON, Mr. RANDOLPH, Mr. SCHWEIKER, Mr. SMITH of Illinois, Mr. STEVENS, and Mr. THURMOND):

S. 3464. A bill to redesignate the Senate Office Building and the additional Senate Office Building as the "Everett McKinley Dirksen Building" and the "Alben William Barkley Building," respectively; to the Committee on Public Works.

By Mr. DODD:

S. 3465. A bill to control the dissemination of obscene mail matter; to the Committee on Post Office and Civil Service.

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

By Mr. SCOTT (for himself, Mr. COOPER, Mr. RANDOLPH, Mr. BAKER, Mr. BELLMON, Mr. BENNETT, Mr. BOGGS, Mr. BROOKE, Mr. COTTON, Mr. DOLE, Mr. ERVIN, Mr. FANNIN, Mr. FONG, Mr. GOLDWATER, Mr. GOODELL, Mr. GRIFFIN, Mr. GURNEY, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. MCINTYRE, Mr. MANSFIELD, Mr. MILLER, Mr. MUNDT, Mr. MURPHY, Mr. NELSON, Mr. PACKWOOD, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. SAXBE, Mr. SCHWEIKER, Mr. SMITH of Illinois, Mr. STEVENS, and Mr. TOWER):

S. 3466. A bill to amend the Clean Air Act so as to extend its duration, provide for national standards of ambient air quality, expedite enforcement of air pollution control standards, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, establish standards applicable to dangerous emissions from stationary sources, and for other purposes; to the Committee on Public Works.

By Mr. SCOTT (for himself, Mr. ALLOTT, Mr. BAKER, Mr. BELLMON, Mr. BENNETT, Mr. BOGGS, Mr. BROOKE, Mr. COTTON, Mr. DOLE, Mr. ERVIN, Mr. FANNIN, Mr. FONG, Mr. GOLDWATER, Mr. GRIFFIN, Mr. GURNEY, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. MCINTYRE, Mr. MANSFIELD, Mr. MILLER, Mr. MUNDT, Mr. MURPHY, Mr. NELSON, Mr. PACKWOOD, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. SAXBE, Mr. SCHWEIKER, Mr. SMITH of Illinois, Mr. STEVENS, and Mr. TOWER):

S. 3467. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SCOTT (for himself, Mr. BENNETT, Mr. BAKER, Mr. BELLMON, Mr. BOGGS, Mr. BROOKE, Mr. COOPER, Mr. COTTON, Mr. DOLE, Mr. ERVIN, Mr. FANNIN, Mr. FONG, Mr. GOLDWATER, Mr. GRIFFIN, Mr. GURNEY, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. MCINTYRE, Mr. MANSFIELD, Mr. MILLER, Mr. MUNDT, Mr. MUSKIE, Mr. NELSON, Mr. PACKWOOD, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. RANDOLPH, Mr. SAXBE, Mr. SCHWEIKER, Mr. SMITH of Illinois, Mr. SPONG, Mr. STEVENS, and Mr. TOWER):

S. 3468. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

By Mr. SCOTT (for himself, Mr. COOPER, Mr. RANDOLPH, Mr. BAKER, Mr. BELLMON, Mr. BENNETT, Mr. BOGGS, Mr. BROOKE, Mr. COTTON, Mr. DOLE, Mr. ERVIN, Mr. FANNIN, Mr. FONG, Mr. GOLDWATER, Mr. GRIFFIN, Mr. GURNEY, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. MCINTYRE, Mr. MANSFIELD, Mr. MILLER, Mr. MUNDT, Mr. MURPHY, Mr. NELSON, Mr. PACKWOOD, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. SAXBE, Mr. SCHWEIKER, Mr. SMITH of Illinois, Mr. STEVENS, and Mr. TOWER):

S. 3469. A bill to authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes; to the Committee on Public Works.

By Mr. SCOTT (for himself, Mr. COOPER, Mr. RANDOLPH, Mr. BAKER, Mr. BELLMON, Mr. BENNETT, Mr. BOGGS, Mr. BROOKE, Mr. COTTON, Mr. DOLE, Mr. ERVIN, Mr. FANNIN, Mr. FONG, Mr. GOLDWATER, Mr. GRIFFIN, Mr. GURNEY, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. MCINTYRE, Mr. MANSFIELD, Mr. MILLER, Mr. MUNDT, Mr. MURPHY, Mr. NELSON, Mr. PACKWOOD, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. SAXBE, Mr. SCHWEIKER, Mr. SMITH of Illinois, Mr. STEVENS, and Mr. TOWER):

S. 3470. A bill to amend sections 5, 6, and 7 of the Federal Water Pollution Control Act,

as amended, and for other purposes; to the Committee on Public Works.

By Mr. SCOTT (for himself, Mr. COOPER, Mr. RANDOLPH, Mr. BAKER, Mr. BELLMON, Mr. BENNETT, Mr. BOGGS, Mr. BROOKE, Mr. COTTON, Mr. DOLE, Mr. ERVIN, Mr. FANNIN, Mr. FONG, Mr. GOLDWATER, Mr. GRIFFIN, Mr. GURNEY, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. MCINTYRE, Mr. MANSFIELD, Mr. MILLER, Mr. MUNDT, Mr. MURPHY, Mr. NELSON, Mr. PACKWOOD, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. SAXBE, Mr. SCHWEIKER, Mr. SMITH of Illinois, Mr. STEVENS, and Mr. TOWER):

S. 3471. A bill to amend sections 1, 3, 10, and 13 of the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

By Mr. SCOTT (for himself, Mr. COOPER, Mr. RANDOLPH, Mr. BAKER, Mr. BELLMON, Mr. BENNETT, Mr. BOGGS, Mr. BROOKE, Mr. COTTON, Mr. DOLE, Mr. ERVIN, Mr. FANNIN, Mr. FONG, Mr. GOLDWATER, Mr. GRIFFIN, Mr. GURNEY, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. MCINTYRE, Mr. MANSFIELD, Mr. MILLER, Mr. MUNDT, Mr. MURPHY, Mr. NELSON, Mr. PACKWOOD, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. SAXBE, Mr. SCHWEIKER, Mr. SMITH of Illinois, Mr. STEVENS, and Mr. TOWER):

S. 3472. A bill to amend section 8 of the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

(The remarks of Mr. SCOTT when he introduced the bills appears later in the RECORD under the appropriate heading.)

By Mr. MAGNUSON (by request):

S. 3473. A bill to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard; to the Committee on Commerce.

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

By Mr. PELL (for himself, Mr. YARBOROUGH, Mr. RANDOLPH, Mr. WILLIAMS of New Jersey, Mr. KENNEDY, Mr. NELSON, Mr. MONDALE, Mr. EAGLETON, Mr. CRANSTON, and Mr. HUGHES):

S. 3474. A bill to amend the Higher Education Act of 1965, the National Defense Education Act of 1958, the Higher Education Facilities Act of 1963, the International Education Act of 1966, and for other purposes; to the Committee on Labor and Public Welfare.

S. 3465—INTRODUCTION OF A BILL TO CONTROL THE DISSEMINATION OF OBSCENE MAIL MATTER

Mr. DODD. Mr. President, last year the Post Office Department received over 200,000 complaints from Americans who received unsolicited obscene materials through the mails. This figure represents 50,000 more complaints than the Post Office received in 1968. And there are no hopeful signs indicating that there will be fewer complaints in 1970.

The group responsible for the steady increase in the flow of pornography through the mail is a clique of about 15 large distributors who are located in various sections of the country. These 15 distributors account for 95 percent of the unsolicited mail-order traffic in pornography. In their reckless greed to saturate the market, the pornographers have added to their mailing lists the names of millions of children.

But pornography distributors are quite unconcerned with that fact. They continue to forward unsolicited samples from their pornography filth yards without stopping to investigate the age of the recipients.

As a result, the Post Office Department has been reeling under the strain of processing complaints, which until a few years ago amounted only to an embarrassed whisper of protest, but which at this moment are indignant roars of outrage.

The problem has been made so unmanageable because two of the Federal statutes, 18 United States Code, sections 1461 and 1463, were simply not formulated to deal with unsolicited pornography.

Under sections 1461 and 1463, by the time the obscenity complaint can be processed and a lengthy trial completed, the damage has already been done. So, despite the fact that a remedy, albeit a slow and often ineffective one, is available, it is no consolation to the angry parent of a child who has just opened a letter whose contents are blatantly pornographic.

Both section 1461, which deals with obscenity through the mails, and section 1463, which deals with it when it is sent on the outside of packages or envelopes, have been on the books for some time.

And they have been precise enough to secure convictions of some of the Nation's largest pornography distributors.

But the criminal penalties attached to both section 1461 and section 1463 have not mollified the audacity nor curtailed the activities of giant pornographers. So, despite the fact that 10 pornographers are now under Federal indictments awaiting trial, and one is appealing a conviction, business goes on as usual.

The criminal penalties of sections 1461 and 1463 which are imposed after the fact are just not working.

In an effort to solve this problem, I send to the desk for appropriate reference a bill which will create within the Post Office Department a Bureau of Obscenity Control to deal with the problem of pornography before it reaches American homes.

I believe that the bill I propose will effectively eliminate the majority of unsolicited pornography which is today flooding the mails of America.

The bill contains the following provisions:

It creates within the Post Office a special Bureau of Obscenity Control, whose task it will be to police the massive traffic in unsolicited smut which now pervades the United States.

This Bureau shall operate before the fact; that is, before these materials are mailed to individuals who have not requested them.

If a pornography distributor or one of his employees has violated one of the existing Federal obscenity statutes within the past 3 years, he will be required by this bill to submit a sample to the Bureau of Obscenity Control of all new sexually oriented materials which he intends to distribute unsolicited in the mails.

After receiving the sample of materials, the Bureau shall review its contents, and if the Bureau determines that the material is obscene, the Bureau shall recommend to the Attorney General that civil action be instituted to prevent the material from being mailed.

After the materials are submitted to the Attorney General for his inspection and review, he must make the decision as to whether or not probable cause exists for obscenity. If he agrees, and he need not do so, with the Bureau of Obscenity Control, he must institute an action against the pornography distributor in the Federal District Court within 2 days of receiving the article from the Bureau.

Following the beginning of the action, the courts and the Attorney General must follow a rigid timetable at every level of the proceedings.

The trial must begin in the district court 1 day after the defendant files his answer to the pleadings submitted by the Attorney General. If either of the parties appeal from the judgment of the district court, the court of appeals shall hold a hearing no later than 6 days after the notice of appeal has been filed.

If further appeal is taken, the Supreme Court is required to review the material as expeditiously as possible.

The purpose of this timetable is simple: to provide both a speedy and fair judicial review of the issue of obscenity. If the issue is disposed of in this fashion, pornography distributors will not be heard to complain that the regulation amounts to a prior restraint which does not give them access to the courts on the matter.

If the Attorney General wins the case, the result is that the material cannot be mailed, and the pornography distributor will be required to submit samples of material for 3 additional years from the date of final determination of obscenity under this bill.

Any group which operates under the disability imposed by having been convicted under one of the Federal mailing statutes shall continue to submit samples to the Bureau for 3 years following service of a prison sentence or payment of a fine imposed for violation of Federal obscenity statutes. If there are no intervening convictions, then the distributor's good behavior will enable him to resume normal mailing without following the submission procedures required by conviction under sections 1461 and 1463, or for violation of the submission procedures of this bill.

It should be noted that in no manner does the Post Office Department Bureau of Obscenity Control participate in the adversary proceedings before the courts. It operates merely as a conduit to the Attorney General's Office. Thus, the Department of Justice makes the ultimate decision on whether probable cause for obscenity exists and on whether to try the case before the courts.

Within the bill, additional safeguards are provided to remove any possible charge of overregulation which could result in removing the materials from the mail by default.

For example, if the unsolicited material is a periodical, it may prove bur-

densome to submit it each week or every 2 weeks if it is distributed more frequently than monthly. Therefore, if the Director of the Bureau thinks it advisable, he may exempt any company or individual who would otherwise have to comply, from the terms of this act.

This exemption clause will also serve to protect the rank-and-file employees of distributors of unsolicited pornography. For, if an association or corporation is convicted under section 1461 or 1463, and its employees later seek employment elsewhere, the new employer, if he can show that he is not in the pornography business, is not penalized for hiring an individual formerly employed by a convicted pornographer.

In addition, the provisions of this legislation will produce some attendant effects.

For example, I am hopeful that the knowledge that an arm of the Government is overseeing and evaluating the quality of each bit of unsolicited material will encourage a good deal of self-policing among those who sell sexually oriented materials through the mails. They will strive to avoid even the first prosecution under sections 1461 and 1463 because of the additional burden which attaches to any conviction under those statutes; hence, I suspect that the workload of the Bureau will decrease after the first 3 years.

It is my feeling that this legislation will provide an effective method of dealing with unsolicited pornography.

It will eliminate and screen such materials so that much that is objectionable will not be delivered to the homes of Americans.

It will also act as a deterrent to those distributors who until now have been quite careless in the manner and method in which they have operated. For rather than undergo several court battles merely to distribute their product, they may well choose to cease the practice of intruding, without invitation, into American homes.

I am hopeful that this legislation can be acted upon in the near future, for it is painfully apparent that what we do not proscribe by law, we accept.

Thus, by not acting, we are aiding the hyperactive perverters of the mind. For the sad fact is that the enormous success of these invaders of privacy, like the success of destroyers of freedom, is only possible when those who should be heard in its defense are silent.

I ask unanimous consent that the bill be printed at this point in the RECORD.

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

The bill (S. 3465) to control the dissemination of obscene mail matter, introduced by Mr. DODD, was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the RECORD, as follows:

S. 3465

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) (1) chapter 3 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"§ 310. Bureau of Obscenity Control

"(a) There is established within the Post Office Department, as a part of the departmental service, an agency to be known as the Bureau of Obscenity Control. The Bureau shall be headed by a director appointed by the Postmaster General. The Bureau shall be under the general supervision and direction of the Postmaster General.

"(b) The Bureau shall be responsible for reviewing sexual material submitted to it in accordance with the provisions of section 4011 of this title."

(2) The analysis of such chapter, immediately preceding section 310, is amended by inserting at the end thereof the following new item:

"310. BUREAU OF OBSCENITY CONTROL"

(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new item:

"(130) DIRECTOR, BUREAU OF OBSCENITY CONTROL, POST OFFICE DEPARTMENT"

SEC. 2. (a) Chapter 51 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"§ 4011. Review of obscene mail matter

"(a) (1) Any person convicted of an offense under section 1461, 1463, or 1466 of title 18 who engages in the business of preparing for himself or, if employed in a managerial position of the business of another person, for that other person, sexual material to be mailed, shall, prior to mailing, submit during the 3 years following the completion of serving of a sentence or the payment of a fine (if a fine only is imposed) as a result of any such conviction, a sample of each different article of such material to the Bureau of Obscenity Control, if any copy of the article is to be sent to anyone who has not requested it.

"(2) The director of the Bureau may, in his discretion, exempt a person from submitting a sample of any article required to be submitted under this subsection.

"(3) If a publication is issued more often than once a month, only one sample of the proposed contents for one issue for each month, as selected by the Bureau, is required to be submitted under this subsection.

"(b) Within 2 days after the sample has been submitted, the Bureau shall find whether the article is obscene and notify the person submitting the sample of its finding.

"(c) (1) If the Bureau finds that the article is obscene, the director of the Bureau shall request the Attorney General to file a civil action, and the Attorney General is authorized to file such action, in a district court of the United States to determine whether the article is obscene. The civil action shall be filed not later than 2 days after the Bureau has found the article to be obscene.

"(2) The civil action may be brought by the United States in the district court of the United States for any judicial district in which the person submitting the sample resides or is found; in which the principal place of business of preparing the article to be mailed is located; or to which such material is to be sent.

"(d) (1) Within 1 day after the defendant has filed his answer, the trial shall be held unless the defendant requests a later date. A judgment rendered in a trial and before the court shall be entered not later than 2 days after completion of the trial. Unless required to be entered sooner, a judgment rendered in a trial by jury shall be entered not later than 2 days after the jury has returned its verdict or has made special findings.

"(2) Notwithstanding any other provision of law, rule, or regulation, any motion subsequent to trial shall be filed not later than 3 days after judgment has been entered. The court shall rule on each such motion not later than 3 days after the motion has been filed.

"(e) (1) The United States has 1 day after entry of judgment or after any motion filed subsequent to trial has been disposed of, whichever is later, to file a notice of appeal.

"(2) Unless the defendant in the trial court requests additional time or unless a question of law has been certified to the Supreme Court, the court of appeals shall hold a hearing not later than 6 days after notice of appeal has been filed. Not later than 8 days after such notice has been filed, the court shall render its decision whether the article is obscene.

"(f) A determination whether to review a case before a court of appeals under this section, and the review and decision of any such case, shall be made by the Supreme Court as expeditiously as possible.

"(g) All copies of an article of any sexual material submitted under this section and finally determined to be obscene are nonmailable matter, shall not be carried or delivered by mail, and, if mailed, shall be disposed of as the Postmaster General directs.

"(h) The provisions of subchapter II of chapter 5 (relating to administrative procedure) and chapter 7 (relating to judicial review) of title 5, United States Code, shall not apply to any provisions of this section.

"(i) For the purposes of this section—

"(1) 'person' has the same meaning given it in section 1 of title 1;

"(2) 'sexual material' means any matter which—

"(A) is tangible, including any device, and used or adapted, or capable of being used or adapted, to depict or arouse (through readings, sound, touch, or observation) nudity, interest in nudity, sexual conduct, sexual excitement, or sadomasochistic abuse; or

"(B) solicits or offers to send matter of the type described in clause (A) of this paragraph.

"(3) 'nudity' means the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering, the female breasts with less than a fully opaque covering of any portion below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state;

"(4) 'sexual conduct' means acts of masturbation, homosexuality, sexual intercourse, physical contact with a person's clothed or unclothed genitals, pubic area, or buttocks, or, in the case of a female, physical contact with her breast;

"(5) 'sexual excitement' means the condition of human male or female genitals in a state of sexual stimulation or arousal;

"(6) 'sadomasochistic abuse' means flagellation or torture by or upon a person clad in undergarments, a mask, or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed; and

"(7) any sexual material is obscene if—

"(A) the dominant theme or purpose of the material taken as a whole appeals to a prurient interest in sex;

"(B) the material is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters; and

"(C) the material is utterly without redeeming social value."

(b) The analysis of such chapter, immediately preceding section 4001, is amended by adding at the end thereof the following new item:

"4011. REVIEW OF OBSCENE MAIL MATTER"

SEC. 3. (a) Chapter 71 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1466. MAILING OF OBSCENE MAIL MATTER

"(a) Any person who fails to submit, as required by section 4011 of title 39, a sample of each different article of sexual material to the Bureau of Obscenity Control, Post Office Department, shall be fined for each sample not so submitted not more than $10,-

000 or imprisoned not more than 10 years, or both."

"(b) Any person who mails any article determined to be obscene under such section shall be fined for each copy of such article so mailed not more than $10,000 or imprisoned not more than 10 years, or both."

(b) The analysis of such chapter immediately preceding section 1461, is amended by adding at the end thereof the following new item:

"1466. MAILING OF OBSCENE MAIL MATTER"

SEC. 4. Sections 2 and 3 are effective 90 days after the date of enactment of this Act.

S. 3466 THROUGH S. 3472—INTRODUCTION OF BILLS ON ENVIRONMENTAL CONTROL

Mr. SCOTT. Mr. President, the decade of the 1970's may well be known in history as the period in which Americans set out to save America for future Americans, and for themselves.

Or it may be known to those who survived as the period in which America betrayed its heritage, its present, and its future.

Much of the blame or the praise for the ultimate decision will rest with us in this Chamber, with our colleagues in the other House, and with the President of the United States.

The President has now taken the first step down the road that leads to conserving America and improving America and restoring America's environment.

He has taken the lead with a message that promises Americans the most massive cleanup job in history—the job of cleaning up our air, cleaning up our water, cleaning up the waste and rubbish and litter from off our land.

He has taken the lead by sending to the Congress a package of seven bills which promises to do the job he has pledged will be done by his administration.

It is my privilege and pleasure today to introduce in the Senate those bills.

Mr. President, let me talk for a moment about the proposals embodied in the President's message and in the legislation I introduce today.

I will not try to enumerate these bills in their order of importance. All are important. All are part of a whole. All are essential to the task at hand.

However, the most talked about bill is the amendment to the Federal Water Pollution Control Act that will provide $4 billion in Federal funds for construction of waste treatment plants during the next 4 years.

During this same period the bill proposes that local governments will contribute another $6 billion, making this a $10 billion program. Administration studies show that this amount is sufficient to eliminate existing waste treatment deficiencies in our Nation's towns and cities.

This is the bill, Mr. President, that can do more than any single piece of legislation to clean up our rivers and offshore areas which are now polluted and repolluted daily by raw sewage and industrial wastes. If we do not pass it this year, next year could be too late for some of our streams and lakes.

A second bill is designed to assure that adequate financing will be available for State and local governments to participate in this massive program. To do this the President is proposing the establishment of an Environmental Financing Authority to assure that local communities will be able to obtain enough capital on favorable terms.

Mr. President, under this legislation no municipality will be prevented from building or improving its waste treatment facilities because of inability to finance such a project.

Under the bill, the Secretary of the Interior would identify communities that are unable to finance at reasonable rates the local share of approved waste treatment grant projects. The Secretary would guarantee timely payment of principal and interest on obligations that are sold to the Environmental Financing Authority for this purpose. The Authority would obtain funds to make these purchases by issuing its own taxable obligations in the capital market in large enough blocks to provide favorable reception. The Secretary of the Treasury would also be authorized to purchase EFA obligations, thus assuring availability of funds to meet the requirements of the Authority.

The interest rate at which EFA would purchase State and local obligations would be determined by the Secretary of the Treasury, taking into consideration current yields on comparable Federal obligations, obligations issued by EFA, and municipal obligations. The Treasury would make a differential payment to EFA to cover the difference between the interest received on the tax-exempt bonds purchase and the interest paid on the taxable bonds issued.

The Authority would have a five-man Board of Directors, with the Secretary of the Treasury as Chairman. Each Director will be a Government employee who would not receive additional compensation. Initial capital will be advanced by the Treasury. EFA would be authorized to charge fees for its commitments and other services that are adequate to cover all expenses and to provide for accumulation of contingency reserves. EFA would be required to transmit to the President and the Congress an annual report of its operations.

Two companion measures in the area of water pollution will provide for swift, effective enforcement of pollution control measures and will give the Secretary of the Interior new flexibility to conduct the necessary study, research and investigations into new and better pollution control programs and methods.

Mr. President, it is absolutely essential to provide for effective enforcement of our pollution laws if we are to curb the polluters.

The administration bill will do that in a variety of ways including fines of up to $10,000 a day against polluters who fail to take remedial action. I believe that the American people want, and in fact demand, this kind of tough approach against those who are fouling our rivers and lakes.

In the area of research, a small annual appropriation is sought in order to make sure we advance constantly in our methods of controlling and treating effluent and industrial waste.

Mr. President, as important as clean water is pure air. That air is polluted daily by the millions of automobiles and trucks that have become such necessities to our modern society. That pollution is added to by thousands of industrial plants and factories that daily spew additional tons of pollutants into our skies.

The bill I am introducing today will provide for new, stringent pollution controls on automobiles and will authorize the Secretary of Health, Education, and Welfare to establish standards governing the composition of fuels and fuel additives.

The bill will also authorize the Secretary to establish pollution standards for factories and plants which contribute significantly to the pollution problem.

Mr. President, the sixth bill I introduce today deals with solid waste.

We here in America are faced with the prospect of being literally buried in our own garbage and litter. Ours is a use-and-throw-away society. Disposable cans and bottles, vast quantities of paper, obsolete and worn-out equipment of all kinds litter our landscape.

One way to combat this vast accumulation of trash and junk is to reclaim reusable metals, plastics, ceramics, glass, paper, and the like.

The bill I introduce today will provide for investigations and research into ways and means of making such reclamation profitable. It will give special attention to the problem of junk autos which are becoming an evermore major problem in our land.

Under the bill, studies and research will be conducted by a Council on Environmental Quality which this bill will set up. The Council will report annually to the President the results of its research and will recommend necessary legislation or executive action.

Finally, Mr. President, several of us in the Senate will introduce for the President a bill that will take unused or underused Federal lands and make them available for optimum use.

This bill specifically will make surplus Federal lands available to State and local governments for park and recreation purposes at discount prices.

And it will insure that proceeds from such sales go to pay the cost of relocation of Federal activities on that property and to the land and water conservation fund.

So here we have it, Mr. President. A package of seven bills that open the door to a cleaner, better America.

Obviously, these bills will not do all that must be done for all time. But they are a major beginning at a time when a beginning is urgently needed.

Mr. President, I urge that this body begin work immediately on this legislation and that we pass them as early in this session as possible.

Every day we delay makes the job of cleaning up our Nation that much harder. We cannot afford to wait much longer.

Mr. President, I introduce, for appropriate reference, seven bills, and ask unanimous consent that the text of the bills, together with explanatory material, be printed in the RECORD.

The PRESIDING OFFICER. The bills will be received and appropriately referred; and, without objection, the bills

and explanatory material will be printed in the RECORD.

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

Mr. SCOTT. I yield.

Mr. BENNETT. One of these bills sets up the Environmental Financial Administration. Obviously, the Committee on Banking and Currency has some responsibility for that particular bill. Therefore, I ask unanimous consent that that bill be consecutively referred, first to the Committee on Public Works, and then to the Committee on Banking and Currency.

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

The bill (S. 3466) to amend the Clean Air Act so as to extend its duration, provide for national standards of ambient air quality, expedite enforcement of air pollution control standards, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, establish standards applicable to dangerous emissions from stationary sources, and for other purposes, introduced by Mr. SCOTT, for himself and other Senators, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 3466

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Clean Air Act Amendments of 1970".

EXTENSION OF DURATION

SEC. 2. (a) The first sentence of section 104(c) of the Clean Air Act (42 U.S.C. 1857b–1(c)) is amended by striking out "and" before "for the fiscal year ending June 30, 1970," and by inserting before the period at the end thereof, "and such sums as may be necessary for the fiscal year ending June 30, 1971, and for each of the next 2 fiscal years".

(b) Section 309 of the Clean Air Act (42 U.S.C. 1857l) is amended by striking out "and", and inserting before the period at the end thereof ", and such as may be necessary for the fiscal year ending June 30, 1971, and for each of the next 2 fiscal years".

TESTING OF MOTOR VEHICLES AND ENGINES

SEC. 3. (a) Subsection (a) of section 206 of such Act (42 U.S.C. 1857f–5) is amended by striking out in the first sentence thereof "Upon application of the manufacturer, the" and inserting in lieu thereof "The"; by striking out "such manufacturer" and inserting in lieu thereof "the manufacturer"; and by inserting after "not less than one year" in the second sentence thereof "(except as provided under subsection (c))".

(b) Subsection (b) of such section is amended by inserting before the period at the end of the sentence ", except as provided in subsection (c)".

(c) Such section 206 is further amended by adding after subsection (b) the following new subsections:

"(c)(1) In order to determine whether new motor vehicles or new motor vehicle engines being manufactured by a manufacturer are in fact constructed in all material respects substantially the same as the test vehicle or engine, the Secretary is authorized to test such vehicles or engines. Such tests may be conducted by the Secretaary directly or, in accordance with conditions specified by the Secretary, by the manufacturer.

"(2) If, based on such tests conducted on a representative sample of such vehicles or engines, the Secretary determines that such vehicles or engines do not conform with the regulations in effect on the date the certificate of conformity was issued, he may revoke such certificate and so notify the manufacturer. Such revocation shall apply in the case of any new motor vehicles or new motor vehicle engines manufactured after the date of such notification and until such time as the Secretary finds that vehicles and engines being manufactured by the manufacturer do conform to such regulations.

"(d) For purposes of enforcement of this section, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the manufacturer, are authorized (A) to enter, at reasonable times, any factory, or other business or establishment, for the purpose of conducting tests of vehicles or engines coming off the production line, or (B) to inspect, at reasonable times, records, files, papers, and processes, controls, and facilities used by such manufacturer in conducting tests under regulations of the Secretary. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness."

(d) The heading of such section 206 is amended to read: "COMPLIANCE TESTING AND CERTIFICATION".

(e) Paragraph (1) of subsection (a) of section 203 of such Act (42 U.S.C. 1857f–2) is amended by striking out "it is in conformity with" and inserting in lieu thereof "such manufacture is covered by a certificate of conformity issued (and in effect) under".

(f) The amendments made by this section shall apply in the case of motor vehicles and motor vehicle engines manufactured after the month in which this Act is enacted.

IMPORTATION OF VEHICLES AND ENGINES

SEC. 4. (a) Paragraph (1) of subsection (a) of section 203 of such Act (42 U.S.C. 1857 f–2) is amended by inserting "(in the case of any person, except as provided by regulation of the Secretary)," after "commerce, or"; and by striking out "United States for sale or resale" and inserting in lieu thereof "United States".

(b) The first sentence of paragraph (2) of subsection (b) of such section is amended by striking out "by a manufacturer" and inserting in lieu thereof "of imported by any person".

(c) Paragraph (3) of section 212 of such Act (42 U.S.C. 1857f–7) is amended by striking out "The" and inserting in lieu thereof "Except with respect to vehicles or engines imported or offered for importation, the"; and by adding before the period at the end thereof "; and with respect to imported vehicles or engines, such terms mean a motor vehicle and engine, respectively, manufactured after the effective date of the regulations issued under section 202".

(d) The amendments made by this section shall apply in the case of motor vehicles and motor vehicle engines imported into the United States on or after the sixtieth day following the date of enactment of this Act.

REGISTRATION AND REGULATION OF FUELS AND FUEL ADDITIVES

SEC. 5. (a) Subsection (a) of section 210 of such Act (42 U.S.C. 1857f–6c) is amended to read as follows:

"(a) The Secretary may by regulation designate any fuel (which, for purposes of this section, means only fuel intended for use in the transportation of any person or thing) or fuel additive, and after such date or dates as may be prescribed by him, no manufacturer or processor of any such fuel or fuel additive may sell or deliver it unless the manufacturer of such fuel or fuel additive has provided the Secretary with the information required under subsection (c) of this section and unless such fuel or fuel additive has been registered with the Secretary in accordance with subsection (c) of this section."

(b) Section 210 of such Act is amended by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively, and by adding after subsection (a) the following new subsection:

"(b) The Secretary may, on the basis of information obtained under subsection (c) of this section or any other information available to him, establish standards respecting the composition or the chemical or physical properties of any fuel or fuel additive to assure that such fuel or fuel additive will not cause or contribute to emissions which would endanger the public health or welfare, or impair the performance of any emission control device or system which is in general use or likely to be in general use (on any motor vehicle or motor vehicle engine subject to this title) for the purpose of preventing or controlling motor vehicle emissions from such vehicle or engine. For the purpose of carrying out such standards the Secretary may prescribe regulations—

"(A) prohibiting the manufacture for sale, the sale, the offering for sale, or the delivery of any fuel or fuel additive; or

"(B) limiting the composition or chemical or physical properties, or imposing any conditions applicable to the use of, such fuel or fuel additive (including the maximum quantity of any fuel component or fuel additive that may be used or the manner of such use).

(c) The subsection of section 210 herein redesignated as subsection (c) is amended by striking out "For purposes of this section, the Secretary shall" and inserting in lieu thereof "For the purpose of establishing standards under subsection (b), the Secretary may require the manufacturer of any fuel or fuel additive to furnish such information as is reasonable and necessary to determine the emissions resulting from the use of the fuel or fuel additive or the effect of such use on the performance of any emission control device or system which is in general use or likely to be in general use (on any motor vehicle or motor vehicle engine subject to this Act) for the purpose of preventing or controlling motor vehicle emissions from such vehicle or engine. If the information so submitted establishes that toxic emissions or emissions of unknown or uncertain toxicity result from the use of the fuel or fuel additive, the Secretary may require the submission within a reasonable time of such scientific data as the Secretary may reasonably prescribe to enable him to determine the extent to which such emissions will adversely affect the public health or welfare. To the extent reasonably consistent with the purposes of this section, such requirements for submission of information with respect to any fuel additive shall not be imposed on the manufacturer of any such additive intended solely for use in a fuel only by the manufacturer thereof. Among other types of information, the Secretary shall"; by inserting in clause (2) "the description of any analytical technique that can be used to detect and measure such additive in fuel," after "above,"; by striking out in such clause "to the extent such information is available or becomes available,"; by striking out "clauses (1) and (2)" in the second sentence and inserting in lieu thereof "the provisions of this subsection"; and by striking out "such fuel additive" in such sentence and inserting in lieu thereof "such fuel or fuel additive".

(d) The subsection of section 210 herein redesignated as subsection (d) is amended by inserting between the first and second sentences the following new sentence: "The Secretary may disseminate any information, obtained from reports or otherwise, which is not covered by section 1905 of title 18 of the United States Code and which will con-

tribute to scientific or public understanding of the relationship between the chemical or physical properties of fuels or fuel additives and their contribution to the problem of air pollution." the first sentence of such subsection is amended by striking out "subsection (b)" and inserting in lieu thereof "subsection (c)".

(e) The subsection of section 210 herein redesignated as subsection (e) is amended (1) by adding "or subsection (b)" after "subsection (a)"; and (2) by striking out "$1,000" and inserting in lieu thereof "$10,000".

(f) The amendment made by subsection (e)(2) of this section shall be effective with respect to any fuel or fuel additive to which a regulation issued under subsection (a) of section 210 of such Act or a standard established under subsection (b) of such section, as amended by this Act, applies.

NATIONAL AIR QUALITY STANDARDS

SEC. 6. Section 107 of such Act (42 U.S.C. 1857c–2) is amended to read as follows:

"NATIONAL AIR QUALITY STANDARDS

"SEC. 107. (a) As soon as practicable after enactment of the Clean Air Act Amendments of 1970, but in no event later than the close of the sixth calendar month after the month in which such enactment occurs, the Secretary shall, after consultation with appropriate advisory committees and Federal departments and agencies, publish in the Federal Register proposed regulations establishing nationally applicable standards of ambient air quality for any pollutant or combination of pollutants which he determines endanger or may endanger the public health or welfare, and allow a reasonable time for comment thereon by interested parties. After considering such comments and other relevant information, the Secretary shall promulgate such regulations with such modifications as he deems appropriate. He may from time to time thereafter, by regulation similarly prescribed, extend such standards to other pollutants or otherwise revise such standards.

"(b) As soon as possible after establishing or revising standards under subsection (a), the Secretary shall, after consultation with appropriate advisory committees and Federal departments and agencies, issue to appropriate air pollution control agencies information on those recommended pollution control techniques the application of which is necessary to achieve such standards of air quality at the earliest practicable time. Such information shall include data relating to technology and costs of emission control. The recommendations shall also include such data as are available on the latest available technology and economic feasibility of alternative methods of prevention and control of air pollution. Such issuance shall be announced in the Federal Register and copies shall be made avaliable to the general public."

AIR QUALITY STANDARDS AND ABATEMENT OF AIR POLLUTION

SEC. 7. (a) Paragraphs (1), (2) and (3) of subsection (c) of section 108 of such Act (42 U.S.C. 1857d) are amended to read as follows:

"(c)(1) If, after the date on which the Secretary has, pursuant to section 107, established standards of ambient air quality and issued recommended control techniques therefor—

"(A) any State or any interstate air pollution control agency, within 90 days after such date, files with the Secretary a letter of intent that it will adopt a plan (meeting the requirements of subparagraph (B)) within the time specified, a description of how it will proceed to develop the plan (meeting such requirements) for the various areas within its jurisdiction, and the time within which the plan will be applied to each such area giving due regard, in setting this order of application of the plan, to the relative requirements of each area; and

"(B) such State or interstate agency adopts a plan for the implementation, maintenance, and enforcement of such standards of air quality, which adoption occurs within 180 days after the filing of such letter of intent and other material pursuant to subparagraph (A) and after public hearings held not less than 30 days following publication of a proposed plan for implementation, maintenance, and enforcement of such standards; and

"(C) the Secretary determines that such plan—

"(i) includes emission standards, or equivalent measures, and such other measures as may be necessary to assure achieving or preserving such standards of ambient air quality within a reasonable time in all areas within the jurisdiction of such State or interstate agency;

"(ii) contains adequate provisions for intergovermental cooperation, including, in the case of any area covering part of all or more than one State and designated by the Secretary, appropriate provision for dealing with interstate pollution problems;

"(iii) provides adequate means of enforcement, including authority comparable to that in subsection (k) of this section to prevent or deal with air pollution presenting an imminent and significant endangerment to the public health; and

"(iv) provides for revision from time to time as may be necessary to take account of revisions of such ambient air quality standards or improved on more expeditious methods of achieving such standards;

such plan (except with respect to any area for which an extension is granted pursuant to the last 2 sentences of this paragraph) shall be approved by the Secretary. Any revisions of such a plan which are similarly adopted and otherwise meet the requirements of the preceding sentence shall also be approved by the Secretary. For good cause shown, the Secretary may extend, for such period as he finds necessary and appropriate, the 180-day period referred to in subparagraph (B) with respect to any area or areas under the jurisdiction of the State or interstate agency. No such extension may exceed 90 days unless the request therefor accompanies the material filed pursuant to subparagraph (A) and is in turn accompanied by satisfactory assurances that the portions of the plan relating to the areas most in need of air pollution abatement action will receive priority in the development and submission of the plan.

"(2) If a State or interstate agency does not file a letter of intent and the other material described in paragraph (1) or adopt a plan in accordance with paragraph (1) with respect to any State or portion thereof, the Secretary shall prepare regulations establishing such a plan for such State or portion. Prior to promulgating such regulations, the Secretary shall call a public hearing for the purpose of receiving testimony from State and local pollution control agencies and other interested parties affected by the regulations, to be held in or near one or more of the places where the plan will be applicable. At least thirty days prior to the date of such hearing, notice thereof shall be published in the Federal Register. If, prior to the date the Secretary publishes such regulations the State or interstate agency has not adopted such a plan, the Secretary shall promulgate such regulations.

(b) Paragraph (4) of such subsection (c) is amended to read as follows:

"(4)(A) Whenever, on the basis of surveys, studies or reports the Secretary finds that the ambient air quality in any State or the area under the jurisdiction of any interstate air pollution control agency fails to meet the air quality standards established pursuant to section 107, and he determines, on the basis of facts thus ascertained, that such failure results from the failure of a State or interstate agency to carry out its plan (or the plan provided for it by the Secretary) under section 108(c), the Secretary shall notify the State or the interstate agency, and the persons contributing to the lowering of the air quality or to the alleged violations, of such findings.

"(B) If such State or interstate agency has not taken appropriate remedial action within ninety days of such notification, the Secretary may request the Attorney General to bring suit on behalf of the United States in the appropriate United States district court to enjoin violation of applicable standards or regulations by any person within that State or the area under the jurisdiction of any interstate air pollution control agency."

(c)(1) Paragraph (1) of subsection (d) of such section is amended by striking out subparagraphs (A), (B), (C), and by striking out "(D)" and inserting in lieu thereof "(d)(1)".

(2) The second sentence of paragraph (1) of subsection (f) of such section is amended by striking out "and each State claiming to be adversely affected by such pollution".

(3) The first sentence of paragraph (2) of such subsection is amended by striking out "pollution referred to in subsection (a)" and inserting in lieu thereof "any pollution".

(d) Subsection (g) of such section is amended to read as follows:

"(g) If action reasonably calculated to secure abatement of the pollution within the time specified in the notice following the public hearing is not taken, the Secretary may request the Attorney General to bring a suit on behalf of the United States in the appropriate United States district court to secure abaement of the pollution."

(e) The first sentence of subsection (j)(1) of such section is amended by striking out "based on existing data," and inserting before the period at the end thereof ", or any other information which may reasonably be required to assist the Secretary in evaluating the emission of pollutants caused by such person".

(f) Section 108 of such Act is further amended by striking out subsection (b).

(g) The amendments made by subsection (a), (b), and (c) of this section shall become effective on the date on which the Secretary of Health, Education, and Welfare prescribes regulations pursuant to section 107 of the Clean Air Act as amended by this Act. The amendments made by subsections (d) and (f) of this section shall also be effective on such date, except that they shall not apply with respect to any proceeding begun under subsection (d) of section 108 of the Clean Air Act prior to such date on which such regulations are prescribed.

SEC. 8. Title I of the Clean Air Act is amended by adding after section 111 the following new sections:

"STATIONARY SOURCE EMISSION STANDARDS

"SEC. 112. (a) The Secretary shall from time to time by regulation, giving appropriate consideration to technological feasibility, establish standards with respect to emissions from classes or types of stationary sources which (1) contribute substantially to endangerment of the public health or welfare, and (2) can be prevented or substantially reduced. Such standards may be established only after reasonable notice and opportunity for interested parties to present their views at a public hearing. Any regulations hereunder, and amendments thereof, shall become effective on a date specified therein, which date shall be determined by the Secretary after consideration of the period reasonably necessary for compliance. The Secretary may exempt any industry or establishment, or any class thereof, from this section, upon such terms and conditions as he may find necessary to protect the public health or welfare, for the purpose of research, investigations, studies, demonstrations, or training, or for reasons of national security.

"(b) Such regulations shall provide that—

"(1) if such emissions are extremely hazardous to health,

"(A) no new source of such emissions shall be constructed or operated, except where (and subject to such conditions as he deems necessary and appropriate) the Secretary makes a specific exemption with respect to such construction or operation;

"(B) any existing source of such emissions shall install and maintain any control measures necessary and appropriate to meet the standards prescribed under this section;

"(2) in other cases to which subsection (a) applies, any new source of such emissions shall be designed and equipped to prevent and control such emissions to the fullest extent compatible with the available technology as determined by the Secretary.

"(c)(1) If, within such period as may be prescribed by the Secretary, any State or interstate air pollution control agency, adopts a plan for enforcement of the standards promulgated by the Secretary under this section, such plan shall, if the Secretary determines it provides adequately for the enforcement of such standards, be applicable within such State or other area.

"(2) If a State does not adopt a plan in accordance with paragraph (1) of this subsection, the Secretary shall, after reasonable notice and a conference of representatives of appropriate Federal departments and agencies and State agencies, prepare regulations establishing a plan for such State which shall meet the criteria for enforcement plans required under section 108. If, prior to the date the Secretary publishes such regulations the State has not adopted such plan, the Secretary shall promulgate such regulations.

"(d) If at any time the Secretary determines that emissions from any stationary sources are in excess of the standards established by him pursuant to this section, and that this results from the failure of a State or interstate agency to carry out its State plan adopted as provided in paragraph (1) or established as provided in paragraph (2) of subsection (c), he shall notify the affected State or the interstate agency, the person contributing to the pollution, and other interested parties and specify a time within which such failure must cease. If such failure does not cease within such time, the Secretary may request the Attorney General to bring suit on behalf of the United States in the appropriate United States district court to secure abatement of the pollution.

"(e) Prior to establishing standards under subsection (a), the Secretary shall consult with appropriate Federal departments and agencies having responsibilities related to any stationary sources to which such standards will be applicable."

"FEDERAL ENFORCEMENT

"SEC. 113. (a) If the Secretary, after reasonable notice and opportunity for a hearing, determines (1)(A) that the ambient air quality of any area fails to meet the air quality standards established pursuant to section 107, or (B) that any person is violating any standards established pursuant to section 112, and (2) that such failure or violation results from the failure of a State or interstate agency to carry out its plan meeting the requirements of sections 108 or 112, as the case may be, or the plan of the Secretary established thereunder, he shall so notify the State or interstate agency and the persons contributing to the lowering of the air quality or to the violation of such standards, and shall specify the remedial action to be taken and the time, not less than 60 days, within which such persons must take such action.

"(b) If such action is not taken within such time, the Secretary may request the Attorney General to bring a suit on behalf of the United States in the appropriate United States district court to enjoin continued failure to take the necessary remedial action In any such suit, the court shall receive into evidence a transcript of the hearing held by the Secretary and a copy of the findings prepared by the Secretary as a result thereof. The court may also receive such additional evidence as it deems necessary. The court, giving due consideration to the practicability and to the physical feasibility of taking the necessary remedial action, shall have jurisdiction to enter such judgment and orders enforcing such judgment as the public interest and the equities of the case may require. The court may also assess a penalty of up to $10,000 for each day after the end of the period specified by the Secretary pursuant to subsection (a) for the taking of the necessary remedial action except that, in determining the amount of such penalty, the court shall take into account the efforts of the defendant to abate the pollution involved."

CONFORMING AMENDMENTS

SEC. 9. Section 106 of such Act (42 U.S.C. 1857c-1) is hereby repealed.

EFFECTIVENESS OF NEW PROVISIONS

SEC. 10. Section 108(c) of the Clean Air Act as in effect prior to enactment of this Act and ambient air quality standards and implementation and enforcement plans promulgated or approved, prior to enactment of this Act, under such section shall not be considered invalid by reason of such enactment until (1) the Secretary of Health, Education, and Welfare establishes ambient air quality standards pursuant to such section as amended by this Act; and (2) either the State adopts an implementation and enforcement plan which is approved by the Secretary pursuant to such section as so amended or the Secretary provides such a plan pursuant thereto.

The material presented by Mr. SCOTT is as follows:

SUMMARY OF CLEAN AIR ACT AMENDMENTS OF 1970

EXTENSION OF DURATION

The bill extends for an additional three years (fiscal years 1971–1973) the general authorization of appropriations for the Clean Air Act, as well as to the special appropriation authorization in that Act for research related to fuels and vehicles.

COMPLIANCE TESTING AND CERTIFICATION OF MOTOR VEHICLES AND ENGINES

1. The testing of devices or systems for control of emissions from new motor vehicles or new motor vehicle engines, and the obtaining of a certificate of conformity is made mandatory with respect to all cars manufactured after the effective date of the Act. Such testing is now on a voluntary basis, upon application of the manufacturer.

2. Under the bill the tests would be applied both to prototype vehicles and to a representative sample of those being manufactured. The Secretary would issue a certificate of conformity with respect to the prototype vehicle to remain valid as long as vehicles being manufactured are of substantially the same construction (and meet the standards for emissions in the Secretary's regulations in effect at the time of the prototype testing). The tests are to be conducted by the manufacturer under regulations of the Secretary, or directly by the Secretary. The Act provides a right of entry to the Secretary on written notice to the manufacturer either to conduct the tests at the factory, or to check the results of tests conducted by the manufacturer.

The present law requires testing only of the prototype vehicle; vehicles of substantially the same construction being manufactured for sale are considered to be in conformity.

3. Importation by any person of any motor vehicle manufactured during a model year to which a certificate of conformity is applicable is prohibited except as provided by the Secretary unless such vehicle is in conformity with the regulations. The limitation in the present Act applies only to the importation of vehicles for sale or resale.

REGISTRATION AND REGULATION OF FUELS AND FUEL ADDITIVES

1. The bill requires the registration of fuels and continues the present requirement for registration of fuel additives. This provision would, however, be limited to fuels used in transportation. The bill also authorizes the Secretary to establish standards governing the composition of fuels and fuel additives and to prescribe their uses.

2. The Secretary may designate any fuel or fuel additive, and manufacturers thereof must provide the Secretary with reasonable and necessary information to determine the emissions from its use or its effect on emission control devices in general use. In the case of toxic emissions or emissions of unknown toxicity, prescribed scientific data may be required to enable the Secretary to determine the extent to which they affect the public health or welfare. This data would not be required from the additive manufacturer if the additive was intended solely for use in a fuel by the manufacturer thereof. Certain types of other information now specified in the statute would still be required. Upon the receipt of such information, the Secretary must register the fuel or fuel additive. Only a registered fuel or fuel additive may be sold or delivered. Except for a broadening of the authority to require information, this provision parallels that in the present law respecting registering fuel additives.

3. A new provision is added to the law authorizing the Secretary to regulate the sale of fuels or fuel additives. On the basis of the information required for registration or any other information, the Secretary may establish standards respecting the composition, or chemical or physical properties, of any fuel or fuel additive which would endanger the public health or welfare, and on the basis of such standards, he may prohibit the sale of any such fuel or fuel additive, or limit the composition, or chemical or physical properties, or impose conditions applicable to the use of any fuel or fuel additive.

3. The Secretary is authorized to disseminate any information, not a trade secret, which concerns the relationship of fuels or fuel additives to air pollution. The present law contains no such provision.

4. Any person violating either the registration or regulation provisions is subject to a civil penalty of $10,000 a day for each day the violation continues. The present Act, which extends to registration of fuel additives only, imposes a penalty of $1,000 a day for each day of violation.

NATIONAL AIR QUALITY STANDARDS

1. Unlike the present Act, under which the Secretary develops criteria for ambient air quality for air quality control regions designated by him, and the States develop both air quality standards conforming to such criteria and a plan for implementation and enforcement, the bill authorizes the Secretary to set ambient air quality standards for the nation with respect to any pollutant or combination of pollutants which he determines endanger or may endanger the public health or welfare. As under existing law, he would also issue recommended control techniques with respect to such pollutants. He could also designate interstate areas for which special provision would be made in the State implementation and enforcement plan.

2. A State (or interstate agency) would have 90 days to write a letter of intent to adopt, and provide a description of how it would develop and adopt, an implementation and enforcement plan with respect to national air quality standards, including a time table for extending it to the various areas within its jurisdiction; it would then have another 6 months (plus any extension

granted which could not exceed 90 days with certain limited exceptions) to develop and adopt it.

If a State does not adopt such a plan, the Secretary would develop and promulgate a plan for such State.

STATIONARY SOURCE EMISSION STANDARDS

The bill contains a new provision authorizing the Secretary to establish standards with respect to pollution from stationary sources which contribute significantly to endangerment of the public health or welfare. Regulations issued under this provision would provide that:

1. If the emissions are extremely hazardous to health, no new source of such emissions may be constructed or operated, except under specific exemption of the Secretary, and existing sources of such emissions must install necessary control devices as promptly as possible.

2. In other cases, any new source of emissions which constitute a significant danger to the public health or welfare must be designed or equipped to prevent and control the emissions to the fullest extent compatible with available technology.

The bill replaces the existing provisions on Federal enforcement with a new provision. Under the new provision, in the case of substandard air quality or violation of Federal emission standards which is due to failure by the State to carry out the applicable plan for implementation and enforcement, the State and the alleged violators would be notified and given a hearing. The Secretary would then specify the necessary remedial action and a time within which to take it. If the action is not taken within this time, the Attorney General may be requested to start an injunction action in the district court, with the record made in the Secretary's hearing being received in evidence along with any other evidence the court wishes to receive, and with the court empowered to issue an appropriate order after considering the practicality and physical feasibility of necessary remedial action. It could also assess a penalty on the violators of up to $10,000 per day beginning after the period specified by the Secretary for taking the remedial action.

The bill (S. 3467) to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes, introduced by Mr. SCOTT, for himself and other Senators, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 3467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Clause (2) of subsection (c) of section 2 of the Land and Water Conservation Fund Act of 1965, as amended (78 Stat. 897), is further amended by changing the final period to a semicolon and adding thereafter the words: *"Provided further,* That the foregoing amount of $200,000,000 shall be increased by an amount equal to the net proceeds placed in the fund from the sale of surplus real property and related personal property in excess of $54,700,000 in any one year."

SEC. 2. That section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484), is further amended by redesignating section 203(k)(2) as section 203(k)(3), and by adding a new section 203(k)(2) as follows: "(k)(2) Under such regulations as he may prescribe, the Administrator is authorized, in his discretion, to assign to the Secretary of the Interior for disposal, such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary of the Interior as needed for use as a public park or recreation area.

"(A) Subject to the disapproval of the Administrator within thirty days after notice to him by the Secretary of the Interior of a proposed transfer of property for public park or public recreational use, the Secretary of the Interior, through such officers or employees of the Department of the Interior as he may designate, may sell such real property including buildings, fixtures, and equipment situated thereon, for public park or public recreational purposes to any State, political subdivision, instrumentalities thereof, or municipality.

"(B) In fixing the sale value of property to be disposed of under subparagraph (A) of this paragraph, the Secretary of the Interior shall take into consideration any benefit which has accrued or may accrue to the United States from the use of such property by any such State, political subdivision, instrumentality, or municipality.

"(C) The deed of conveyance of any surplus real property disposed of under the provisions of this subsection—

"(i) shall provide that all such property shall be used and maintained for the purpose for which it was conveyed in perpetuity, and that in the event that such property ceases to be used or maintained for such purpose during such period, all or any portion of such property shall in its then existing condition, at the option of the United States, revert to the United States; and

"(ii) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Secretary of the Interior to be necessary, to safeguard the interests of the United States.

"(D) 'States' as used in this subsection includes the District of Columbia, the Commonwealth of Puerto Rico, and the Territories and possessions of the United States."

SEC. 3. The first sentence of subsection (n) of section 203 of the Federal Property and Administrative Services Act of 1949, as amended, (40 U.S.C. 484(n)), is amended by striking '(k)' and substituting '(k)(1)' in lieu thereof.

SEC. 4. Subsection (o) of section 203 of the Federal Property and Administraitve Services Act of 1949, as amended, (40 U.S.C. 484(o)), is amended to read as follows:

"(o) The Secretary of Health, Education, Welfare, with respect to personal property donated under subsection (j) of this section, and the head of each executive agency disposing of real property under subsection (k) of this section shall submit, as soon as practicable following the close of each fiscal year, a report to the Senate (or to the Secretary of the Senate if the Senate is not in session) and to the House of Representaives (or to the Clerk of the House if the House is not in session) showing the acquistion cost of all property so donated and of all real property so disposed of during such fiscal year."

SEC. 5. That section 204(b) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 485(b)), is amended by deleting the fifth sentence thereof and inserting in lieu thereof the following: "Additionally, the Director of the Bureau of the Budget may authorize Federal agencies to obligate and to pay from this fund such amounts as he deems necessary to cover relocation costs and for the acquisition of such facilities (as may be authorized by law) to replace those which have been determined by the Administrator to be other than optimumly utilized. Upon occupancy of the replacement facilities, the head of the Federal agency concerned, shall, notwithstanding any other provision of law, immediately report the replaced facilities to the Administrator as excess property. Periodically, but not less often than once each year, any excess funds beyond current operating needs and beyond those authorized to be obligated for replacement facilities and such reserves for pending authorizations as the Director of the Bureau of the Budget may establish, shall be transferred from the fund to miscellaneous receipts or as may be otherwise provided by law: *Provided,* That a report of receipts, disbursements, and transfers to miscellaneous receipts under this authorization shall be made annually in connection with the budget estimates to the Director of the Bureau of the Budget and to the Congress. Advance appropriations are authorized to be made to this fund from any moneys in the Treasury not otherwise appropriated in such amounts as may be deemed necessary. Such advance appropriations shall be repaid without interest, beginning five years thereafter, and until fully repaid to the general fund of the Treasury, by transferring annually 20 per centum of the proceeds available to the fund each year. The moneys not required for repayment purposes shall continue to be available as otherwise provided by law."

SEC. 6. Section 13(h) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(h)), is amended by—

(1) striking out the phrase "public park, public recreational area, or" in paragraph (1) thereof; and

(2) striking out the first full sentence of paragraph (2) thereof.

The material presented by Mr. SCOTT is as follows:

SECTION-BY-SECTION ANALYSIS

Section 1 amends the Land and Water Conservation Fund Act, as amended, to provide that the $200 million minimum which is now deposited in the Fund in each fiscal year (through fiscal year 1973) shall be increased by an amount equal to the net proceeds placed in the Fund from the sale of surplus real property and related personal property in excess of the presently-budgeted level of $54.7 million in any one year.

Under present law there is deposited in the Fund each year revenues from the motorboat fuel tax, entrance and user fees from Federal recreation areas, and the sale of surplus real property and related personal property. To the extent the total of these revenues does not equal $200 million, the difference may be appropriated to the Fund from general revenues or, lacking that, it is made up from the revenues received under the Outer Continental Shelf Lands Act, as amended.

Under Section 1 the Fund would continue to receive these revenues, but only the first $54.7 million of surplus property revenues would be counted as a part of the $200 million floor, and the excess above $54.7 million would be an add-on above the $200 million level. For example, if the surplus property revenues that would flow into the Land and Water Conservation Fund in a given year amounted to $100 million, $54.7 million would count as part of the $200 million floor, and the remaining $45.3 million would constitute an addition above the $200 million level, making a total revenue to the Fund for that year of $245.3 million.

Section 2 would authorize the Secretary of the Interior to request, on behalf of the State and local governments, surplus Federal real property for use for park and recreation purposes. Instead of selling such properties for a minimum of 50 percent of the full market value, as presently required by law, the Secretary would be given discretionary authority to sell on terms which he deems best, taking account of the values inherent for the people and the uses to which the land will be put. The terms set by the Secretary of the Interior may embrace a 100 percent discount from market value; that is, they may constitute a donation. The properties are to be conveyed with a reversionary clause, giving the United States the opportunity to reclaim title if, after the transfer of title to the State or local government, the land is converted to other purposes than had been intended.

Section 3 makes a technical correction in the numbering of subsections of law, made

necessary by the enactment of section 2 of this bill.

Section 4 enlarges the present requirements for quarterly reports to the Congress pertaining to donations of surplus property for specified purposes, in order that quarterly reports will include an accounting for the transactions which occur under the authority of section 2 of the bill.

Section 5 relates to the relocation of Government activities. The Federal Government can utilize its property, vacated by Government activities, for parkland purposes, either through discount sales, or through applying the proceeds of sales. However, there are cases where Federal activities are presently occupying land which might better be used for park or for other purposes, but the property cannot be declared excess without some better method for relocating the activity concerned. At present the process of obtaining funds for such relocation is cumbersome, lengthy, and uncertain. This section is intended to expedite that process. Although in the interest of sound property management the section is not limited to parkland situations, its enactment should contribute toward the parklands objectives of this bill.

The section permits the use, under controlled conditions, of the proceeds from the sale of real and related personal property, to relocate the Federal activity to another, more suitable, place. It also authorizes, for this purpose, advance appropriation from the general fund of the Treasury, such appropriations to be repaid from sale proceeds. Replaced facilities are required to be reported, as excess, to the Administrator of General Services.

Section 6 removes from the present law the requirement that the transfers of surplus property for parklands and recreation be at not less than 50 percent of the fair market value.

The bill (S. 3468) to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes, introduced by Mr. SCOTT, for himself and other Senators, was received, read twice by its title, referred to the Committee on Public Works, and when reported by the Committee on Public Works, to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 3468

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Environmental Financing Act of 1970".

CREATION OF AUTHORITY

SEC. 2. There is hereby created a body corporate to be known as the Environmental Financing Authority, which shall have succession until dissolved by Act of Congress. The body corporate shall be subject to the general supervision and direction of the Secretary of the Treasury. The Authority shall be an instrumentality of the United States Government and shall maintain such offices as may be necessary or appropriate in the conduct of its business.

PURPOSE

SEC. 3. The purpose of this Act is to assure that inability to borrow at reasonable rates necessary funds does not prevent any State or local public body from carrying out any project for construction of waste treatment works authorized and financed with the aid of grants provided by the Secretary of the Interior (33 U.S.C. 466, C–1, 466 e).

BOARD OF DIRECTORS

SEC. 4. (a) The Authority shall have a Board of Directors consisting of five persons, one of whom shall be the Secretary of the Treasury or his designee as Chairman of the Board, and four of whom shall be appointed by the President from among the officers or employees of the Authority or of any department or agency of the United States Government.

(b) The Board of Directors shall meet at the call of its Chairman. The Board shall determine the general policies which shall govern the operations of the Authority. The Chairman of the Board shall select and effect the appointment of qualified persons to fill the offices as may be provided for in the bylaws, with such executive functions, powers, and duties as may be prescribed by the bylaws or by the Board of Directors, and such persons shall be the executive officers of the Authority and shall discharge all such executive functions, powers, and duties. The members of the Board, as such, shall not receive compensation for their services.

FUNCTIONS

SEC. 5. (a) The Authority is authorized to make commitments to purchase and to purchase on terms and conditions determined by the Authority, any obligation or participation therein which is issued by a State or local public body to finance the non-Federal share of the cost of any waste treatment construction project for which the Secretary of the Interior has agreed to pay a portion of the project cost under a program designed to promote the purposes of section 3 of this Act.

(b) No commitment shall be entered into, and no purchase shall be made, unless the Secretary of the Interior has certified that the seller is unable to obtain at reasonable rates sufficient credit to finance his actual needs and unless the Secretary has agreed to guarantee timely payment of principal and interest on the obligation. The Secretary of the Interior is authorized to guarantee such timely payments and to issue regulations as he deems necessary and proper to protect such guarantees. Appropriations are hereby authorized to the Secretary in such sums as necessary to make payments under such guarantees, and such payments are authorized to be made from such appropriations or from any other available funds.

(c) No purchase shall be made of obligations issued to finance projects the permanent financing of which occurred prior to the enactment of this Act.

(3) Any purchase by the Authority shall be upon such terms and conditions as to yield a return at a rate determined by the Secretary of the Treasury taking into consideration (i) the current average yield on outstanding marketable obligations of the United States of comparable maturity or in its stead whenever the Authority has sufficient of its own long-term obligations outstanding, the current average yield on outstanding obligations of the Authority of comparable maturity; and (ii) the market yields on municipal bonds.

(e) The Authority is authorized to charge fees for its commitments and other services adequate to cover all expenses and to provide for the accumulation of reasonable contingency reserves and such fees shall be included in the aggregate project costs.

INITIAL CAPITAL

SEC. 6. To provide initial capital to the Authority, the Secretary of the Treasury is authorized to advance the funds necessary for this purpose. Each such advance shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities. Interest payments on such advances may be deferred, at the discretion of the Secretary, but any such deferred payments shall themselves bear interest at the rate specified in this section. There is authorized to be appropriated not to exceed $100,000,000, which shall be available for the purposes of this section without fiscal year limitation

OBLIGATIONS OF THE AUTHORITY

SEC. 7. (a) The Authority is authorized, with the approval of the Secretary of the Treasury, to issue and have outstanding obligations having such maturities and bearing such rate or rates of interest as may be determined by the Authority. Such obligations may be redeemable at the option of the Authority before maturity in such manner as may be stipulated therein.

(b) As authorized in appropriation Acts, and such authorizations may be without fiscal year limitation, the Secretary of the Treasury may in his discretion purchase or agree to purchase any obligations issued pursuant to subsection (a) of this section, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act as now or hereafter in force, are extended to include such purchases. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities. The Secretary of the Treasury may sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this subsection. All purchases, and sales by the Secretary of the Treasury of such obligations under this subsection shall be treated as public debt transactions of the United States.

FEDERAL PAYMENT TO THE AUTHORITY

SEC. 8. The Secretary of the Treasury is authorized and directed to make annual payments to the Authority in such amounts as are necessary to equal the amount by which the dollar amount of interest expense accrued by the Authority on account of its obligations exceeds the dollar amount of interest income accrued by the Authority on account of obligations purchased by it pursuant to section 5 of this Act.

GENERAL POWERS

SEC. 9. The Authority shall have power—

(a) to sue and be sued, complain and defend, in its corporate name;

(b) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

(c) to adopt, amend, and repeal bylaws, rules, and regulations as may be necessary for the conduct of its business;

(d) to conduct its business, carry on its operations, and have offices and exercise the powers granted by this Act in any State without regard to any qualification or similar statute in any State;

(e) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

(f) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Authority;

(g) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(h) to appoint such officers, attorneys, employees, and agents as may be required, to define their duties, to fix and to pay such compensation for their services as may be determined, subject to the civil service and classification laws, to provide bonds for them and pay the premium thereof; and

(i) to enter into contracts, to execute instruments, to incur liabilities, and to do all

things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

TAX EXEMPTION

SEC. 10. The Authority, its property, its franchise, capital, reserves, surplus, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority; except that (1) any real property and any tangible personal property of the Authority shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (2) any and all obligations issued by the Authority shall be subject both as to principal and interest to Federal, State, and local taxation to the same extent as the obligations of private corporations are taxed.

OBLIGATIONS AS LAWFUL INVESTMENTS, ACCEPTANCE AS SECURITY

SEC. 11. All obligations issued by the Authority shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof. All obligations issued by the Authority pursuant to this Act shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission, to the same extent as securities which are issued by the United States.

PREPARATION OF OBLIGATIONS

SEC. 12. In order to furnish obligations for delivery by the Authority, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Authority may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the Authority. The engraved plates, dies, bed pieces, and so forth, executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The Authority shall reimburse the Secretary of the Treasury for any expenditures made in the preparation, custody, and delivery of such obligations.

ANNUAL REPORT

SEC. 13. The Authority shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress an annual report of its operations and activities.

OBLIGATIONS ELIGIBLE FOR PURCHASE BY NATIONAL BANKS

SEC. 14. The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting "or obligations of the Environmental Financing Authority" immediately after "or obligations, participations, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association."

GOVERNMENT CORPORATION CONTROL ACT

SEC. 15. The budget and audit provisions of the Government Corporation Control Act (31 U.S.C. 846) shall be applicable to the Environmental Financing Authority in the same manner as they are applied to the wholly-owned Government corporations.

PERMANENT APPROPRIATION FOR FEDERAL PAYMENT TO AUTHORITY

SEC. 16. Section 3689 of the Revised Statutes, as amended (31 U.S.C. 711), is further amended by adding a new paragraph following the last paragraph appropriating moneys for the purposes under the Treasury Department, to read as follows:

"Payment to the Environmental Financing Authority: For payment to the Environmental Financing Authority under section 8 of the Environmental Financing Act of 1970."

SEPARABILITY

SEC. 17. If any provision of this Act or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act, and the application of such provisions to other persons or circumstances shall not be affected.

The material presented by Mr. SCOTT is as follows:

SECTION-BY-SECTION SUMMARY OF THE ENVIRONMENTAL FINANCING ACT OF 1970

Section 1. This section provides for the Act to be cited as the "Environmental Financing Act of 1970."

Section 2. Creation of Authority. This section establishes the Environmental Financing Authority as an instrumentality of the United States subject to the general supervision and direction of the Secretary of the Treasury and authorizes the Authority to establish offices to conduct its business.

Section 3. Purpose. This section states that the purpose of the Act is to assure that inability to borrow necessary funds in the market at reasonable interest rates does not prevent any State or local public body from carrying out a waste treatment works project receiving a grant from the Secretary of the Interior.

Section 4. Board of Directors. This section provides a five-member Board of Directors consisting of the Secretary of the Treasury or his designee as Chairman and four others appointed by the President from the officers or employees of the Authority or of any Federal agency. The Board would meet at the call of the Chairman and would determine the general policies of the Authority. The Chairman would appoint the officers of the Authority.

Section 5. Functions. This section authorizes the Authority to purchase obligations issued by State and local public bodies to finance the non-Federal share of the cost of a waste treatment construction project. No purchase could be made unless the Secretary of the Interior has certified that the seller is unable to obtain sufficient credit at reasonable rates of interest and unless the Secretary has guaranteed principal and interest payments on the obligation. No purchase could be made of obligations issued to finance projects the permanent financing of which occurred prior to this Act. Interest rates on such purchases would be determined by the Secretary of the Treasury taking into consideration (i) current market yields on obligations of comparable maturity issued by the Treasury or the Authority and (ii) market yields on municipal bonds. The Authority would charge fees to cover expenses and to accumulate reasonable reserves, and such fees would be included in project costs.

Section 6. Initial Capital. This section authorizes appropriations to the Secretary of the Treasury to advance up to $100 million for initial capital to the Authority. The interest rate on advances would be not less than a rate determined by the Secretary of the Treasury taking into consideration current market yields on Treasury obligations. Interest payments could be deferred at the discretion of the Treasury.

Section 7. Obligations of the Authority. This section authorizes the Authority, with the approval of the Secretary of the Treasury, to issue its own obligations in the market. The Secretary of the Treasury could purchase such obligations, as authorized in appropriation acts. Purchases by the Secretary would be public debt transactions and would be at interest rates determined by him taking into consideration current market yields on outstanding Treasury obligations of comparable maturities.

Section 8. Federal Payment to the Authority. This section directs the Secretary of the Treasury to make annual payments to the Authority in the amount by which the Authority's interest expense exceeds its interest income.

Section 9. General Powers. This section provides the Authority with general corporate powers.

Section 10. Tax Exemption. This section generally exempts the Authority and its income from all taxes except real and personal property taxes and taxes on the principal or interest on obligations issued by the Authority, which would be taxed to the same extent as obligations of private corporations.

Section 11. Obligations as Lawful Investments, Acceptance as Security. This section makes obligations issued by the Authority lawful investments, acceptable as security for all fiduciary, trust, and public funds, and exempt from SEC requirements.

Section 12. Preparation of Obligations. This section authorizes the Secretary of the Treasury to prepare, hold, and deliver obligations for the Authority on a reimbursable basis.

Section 13. Annual Report. This section requires the Authority to transmit to the President and Congress an annual report of its operations and activities.

Section 14. Obligations Eligible for Purchase by National Banks. This section permits national banks to invest in or deal in obligations of the Authority.

The bill (S. 3469) to authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes; introduced by Mr. SCOTT, for himself and other Senators, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 3469

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Wastes Reclamation and Recycling Act of 1970".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) increasing production, increasing population, and technological advances in the United States have resulted in an increased volume of industrial, commercial, and domestic waste material which is polluting air, water, and land, and this pollution can be ameliorated only by greater use of reclamation and recycling of material from solid wastes such as metals, plastics, ceramics and glass, paper products, and the like;

(2) the failure to reclaim and recycle materials from solid wastes for further economic uses contributes to wasteful depletion of primary natural resources;

(3) such damage to the environment and wasteful depletion of natural resources is due to the fact that the reclamation of materials from wastes is not competitive with the use of primary resources as a cost factor in the production of goods; and

(4) particularly serious in this continuing and worsening situation is the fact that the demand for motor vehicle scrap metal is not sufficient to enable scrap processors to pay enough to final users and wreckers for discarded motor vehicle hulks to induce them to bring the discarded hulks to scrap processors for processing into scrap metal for reuse.

(b) Accordingly, the purposes of this Act are:

(1) to provide for investigations, studies, surveys, and research into development of methods of encouraging greater use of reclamation and recycling of materials from solid wastes; and

(2) to give special consideration to the

problem of motor vehicle hulks, including studies and recommended action for encouraging greater reclamation and recycling of these hulks.

STUDY OF INCENTIVES TO REUSE OF MATERIALS FROM SOLID WASTES

SEC. 3. (a) The Council on Environmental Quality shall coordinate Federal activities with respect to, and take other appropriate action designed to provide maximum Federal effort in and attention to, development of programs for encouraging greater use of reclamation and recycling of materials from solid wastes through incentive and regulatory measures.

(b) The Council on Environmental Quality, in compliance with its mandate to enhance the quality of renewable resources and approach the maximum attainable reclamation or recycling of depletable resources, shall—

(1) conduct a study of the relative effectiveness of various types of incentives, including financial or tax incentives, and regulatory measures to accelerate the reclamation or recycling of materials from solid wastes which are not presently in competition with primary resources in the productive process, with special emphasis on reuse of motor vehicle hulks; and

(2) report annually to the President, and at such other times as may be appropriate, the results of its research, studies, and surveys, with recommendations for legislative proposals or executive action, through incentives or regulatory measures, to encourage greater reclamation and recycling of materials from solid wastes.

(c) The Council may appoint, as necessary, advisory committees composed of persons expert in the technological aspects of reclaiming and recycling of materials from any category of solid wastes to advise in developing or evaluating proposals with respect to the efficient and economic reclamation and reuse of such materials. Members of any such advisory committee, who are not in the regular full-time employ of the United States, while attending meetings of the committee or otherwise serving on business of the committee, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding the maximum rate specified at the time of such service, for grade GS–18 in section 5332 of title V, United States Code, including travel time, and while away from their homes or regular places of business they may also be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703(b)) for persons in the overnment Service employed intermittently.

(d) The Council is also authorized to hold public hearings on proposals being considered to assist it in assessing the feasibility and effectiveness of the proposals.

EXTENSION OF DURATION OF SOLID WASTE DISPOSAL ACT

SEC. 4. (a) Subsection (a) of section 210 of the Solid Waste Disposal Act (42 U.S.C. 3259(a)) is amended by striking out "and" before "not to exceed $19,750,000", and by inserting before the period at the end thereof "and such sums as may be necessary for each of the next 3 fiscal years".

(b) Subsection (b) of such section is amended by striking out "and" before "not to exceed $12,250,000", and by inserting before the period at the end thereof ", and such sums as may be necessary for each of the next 3 fiscal years".

The bill (S. 3470) to amend sections 5, 6, and 7 of the Federal Water Pollution Control Act, as amended, and for other purposes, introduced by Mr. SCOTT, for himself and other Senators, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 3470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.), is further amended as follows:

SEC. 1. Section 5 of the Act is hereby amended to read as follows:

"SEC. 5. (a) The Secretary shall conduct in the Department of the Interior and encourage, cooperate with, and render assistance to other appropriate public (whether Federal, State, interstate or municipal or intermunicipal) authorities, agencies, and institutions, private agencies and institutions, and individuals for the purposes of conducting and promoting the coordination of research, investigations, experiments, demonstrations and studies relating to the causes, control and prevention of water pollution and the enhancement and protection of water quality, the development and demonstration of waste water reuse technology, and associated and related problems which shall include, but not be limited to—

"(1) Practicable means of treating municipal sewage and other waterborne wastes to remove the maximum possible amounts of physical, chemical, and biological pollutants in order to restore and maintain the maximum amount of the Nation's water at a quality suitable for repeated reuse;

"(2) methods and techniques of identifying the effects of pollutants upon water quality;

"(3) methods and procedures for evaluating the effects of augmented streamflow upon water quality;

"(4) analysis of bodies of water with respect to water quality, waste disposal practices, water uses and needs, and water quality control;

"(5) development and demonstration of new, improved or useful methods of controlling the discharge into any waters of untreated or inadequately treated sewage or other wastes from sewers which carry storm water or both storm water and sewage or other wastes;

"(6) development and demonstration of advanced waste treatment and waste water renovation (including the temporary use of new or improved chemical additives which provide substantial immediate improvement to existing treatment processes) or new or improved methods of joint treatment systems for municipal and industrial wastes; and

"(7) development and demonstration of new and improved methods and technology for control of pollution of water by industry and the treatment of industrial waste.

"(b) In carrying out the foregoing, the Secretary is authorized to—

"(1) collect, coordinate, and disseminate information and recommendations through publications, films, conferences, and other appropriate means;

"(2) make grants to public or private agencies, institutions and individuals, and enter into contracts with public or private agencies, institutions, and individuals without regard to sections 3648 and 3709 of the Revised Statutes;

"(3) secure, from time to time and for such periods as he deems advisable, the assistance and advice of experts, scholars, and consultants as authorized by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 3109);

"(4) establish and maintain research fellowships in the Department of the Interior with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships: *Provided,* That the Secretary shall report annually to the appropriate committees of Congress on his operation under this paragraph; and

"(5) provide training for individuals and support training projects relating to the causes, prevention, and control of water pollution.

"(c) No grant shall be made for activities under subsections 5(a)(5) and 5(a)(6) for any project in an amount exceeding seventy-five per centum of the estimated reasonable cost thereof as determined by the Secretary.

"(d) No grant shall be made for activities under subsection 5(a)(7) in excess of $1,000,000 or for more than seventy per centum of the estimated reasonable cost thereof as determined by the Secretary.

"(e) The Secretary shall establish, equip, and maintain field laboratory and research facilities, including, but not limited to, one to be located in the northeastern area of the United States, one in the Middle Atlantic area, one in the southeastern area, one in the midwestern area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska for the conduct of research, investigations, experiments, field demonstrations and studies, and training relating to the causes, control and prevention of water pollution. Insofar as practicable, each such facility shall be located near institutions of higher learning in which graduate training in water pollution control might be carried out.

"(f) There are hereby authorized to be appropriated the following sums for the fiscal year ending June 30, 1970, and for each of the two succeeding fiscal years, such sums to remain available until expended:

"(1) the sum of $20,000,000 per fiscal year for the purposes set forth in clauses 5, 6, and 7 of subsection (a) of this section;

"(2) the additional sum of $20,000,000 per fiscal year for the purposes set forth in clause 6 of subsection (a) of this section;

"(3) the additional sum of $20,000,000 per fiscal year for the purposes set forth in clause 7 of subsection (a) of this section; and

"(4) the sum of $65,000,000 per fiscal year for the purposes of the subsections herein not referred to in paragraphs 1, 2, and 3 above.

SEC. 2. Section 6 of the Act is deleted.

SEC. 3. Section 7 of the Act is redesignated as section 6 and amended to read as follows:

"SEC. 6. (a) There are hereby authorized to be appropriated the following sums, to remain available until expanded, to carry out the purposes of this section—

$12,500,000 for the fiscal year ending June 30, 1971;

$15,000,000 for the fiscal year ending June 30, 1972;

$20,000,000 for the fiscal year ending June 30, 1973;

$25,000,000 for the fiscal year ending June 30, 1974; and

$30,000,000 for the fiscal year ending June 30, 1975;

Provided, That not less than $10,000,000 shall be available to carry out the provisions of subsections (b) and (d) hereof.

"(b) From the sums available therefor for any fiscal year, the Secretary shall make allotments to the several States, in accordance with regulations, on the basis of (1) population, (2) extent of water pollution, and (3) financial need.

"(c) From each State's allotment under subsection (b) for any fiscal year, the Secretary shall pay to such State an amount equal to its Federal share (as determined under subsection (g)) of the cost of carrying out its basic State program pursuant to a plan approved under subsection (e), including the cost of training personnel for State and local water pollution control work and including the cost of administering the State plan. Nothing herein shall prevent a State from expending grant funds for State program purposes through participation in interstate agencies.

"(d) From the sums available therefor for any fiscal year, the Secretary shall, from time to time, make allotments to interstate

agencies in accordance with regulations on such basis as the Secretary finds reasonable and equitable. In determining the eligibility of interstate agencies, the Secretary shall consider whether such interstate agency has authority or has or is developing the capacity to implement and enforce water quality standards for waters within its jurisdiction: *Provided,* That all interstate agencies which were eligible for and received grants under this section in the fiscal year last preceeding the enactment hereof shall be deemed eligible for purposes hereof for a period of two years following the date of enactment hereof. The Secretary shall, from time to time, pay to each such agency from its allotment, an amount not in excess of such portion of the cost of carrying out its basic program pursuant to a plan approved under subsection (e), as may be determined in accordance with regulations, including the cost of training personnel for water pollution control work and including the cost of administering the interstate agency's basic program.

"(c) The Secretary shall approve any plan for a program to prevent and control water pollution which is submitted by the State water pollution control agency or an interstate agency, if such plan—

"(1) provides for administration or for the supervision of administration of the plan by the State water pollution control agency, or in the case of a plan submitted by an interstate agency, by such interstate agency;

"(2) provides that such agency will make such reports, in such form and containing such information, as the Secretary may, from time to time, reasonably require to carry out his functions under this Act;

"(3) sets forth the plans, policies, and methods to be followed in carrying out the State (or interstate) plan and in its administration;

"(4) provides for extension or improvement of the State or interstate program for prevention and control of water pollution;

"(5) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the plan; and

"(6) provides acceptable criteria to be used by the State in determining priority of projects as provided in section 8(b)(5).

The Secretary shall not disapprove any plan without first giving reasonable notice and opportunity for a conference with the Secretary to the State water pollution control agency or interstate agency which has submitted such plan.

"(f)(1) Whenever the Secretary, after reasonable notice to a State water pollution control agency or interstate agency and an opportunity for a conference of such agency with the Secretary, finds that—

"(A) the plan submitted by such agency and approved under this section has been so changed that it no longer complies with a requirement of subsection (e) of this section; or

"(B) in the administration of the plan there is a failure to comply substantially with such a requirement, the Secretary shall notify such agency that no further payments will be made to the State or to the interstate agency, as the case may be, under this section (or in his discretion that further payments will not be made to the State, or to the interstate agency, for projects under or parts of the plan affected by such failure) until he is satisfied that there will no longer be any such failure. Until he is so satisfied, the Secretary shall make no further payments to such State, or to such interstate agency, as the case may be, under this section (or shall limit payments to projects under or parts of the plan in which there is no such failure).

"(g)(1) As used in this section, the "Federal share" for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that—

"(A) the Federal share shall in no case be more than 66⅔ per centum or less than 33⅓ per centum, and

"(B) the Federal share for Puerto Rico and the Virgin Islands shall be 66⅔ per centum.

"(2) The Federal shares shall be promulgated by the Secretary between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.

"(3) As used in this subsection, the term 'United States' means the fifty States and the District of Columbia.

"(4) The population of the several States shall be determined on the basis of the latest figures furnished by the Department of Commerce.

"(5) The regulations relating to the portion of the cost of carrying out the interstate agency plan which shall be borne by the Federal Government shall be designed to place such agencies, so far as practicable, on a basis similar to that of the States.

"(h)(1) If the Governor of any State or the head of an interstate agency files a letter of intent with the Secretary that such State or interstate agency will develop an improved water pollution control program which takes into account the provisions of subsection (1) of this section; and if the Secretary, in accordance with regulations, is reasonably assured that such State or interstate agency will develop an improved water pollution control program, he may make a grant in any fiscal year to such State or interstate agency in an amount not to exceed 25 per centum of such State or interstate agency's Federal share under subsections (c) or (d) of this section during such fiscal year.

"(2) Grants made under this subsection shall be in addition to any grants made in other subsections of this section.

"(3) No grant shall be made to any State or interstate agency under this subsection in any fiscal year unless during such fiscal year such State or interstate agency is conducting a program to prevent and control water pollution under a plan approved pursuant to subsection (e) of this section, and is not expending a lesser amount of non-Federal funds for the current fiscal year than it expended during the preceding fiscal year.

"(i) As used in this section, 'improved water pollution control program' shall be one which the Secretary determines, in accordance with regulations, is developed by a State or interstate agency, whereby such State or interstate agency enhances the quality of the waters for required uses and needs. In making his determination the Secretary shall consider whether such program includes—

"(1) an effective mandatory permit system covering all municipal, industrial and other significant waste, including discharge requirements, sources, with adequate State implementation and enforcement authority;

"(2) a sewage treatment facilities program, wherein such facilities are planned, constructed and maintained so as to achieve efficiency, economy and water quality enhancement, including comprehensive regulation of the operation and maintenance of such facilities, including adequate State manpower, and mandatory certification of facility operators;

"(3) a program of training and development of water pollution control personnel designed to achieve full implementation of the State water pollution control program;

"(4) balanced State personnel recruitment and development programs, with an adequate merit system, job classifications, and competitive salary schedules; and

"(5) a program of comprehensive State review of engineering plans and specifications for all proposed waste collection and treatment facilities, including adequate State manpower to implement the program.

"(j)(1) If the Secretary determines, in accordance with regulations, that a State or interstate agency has developed one or more of the provisions enumerated in subsection (1), he may grant to such State or interstate agency an amount not in excess of 40 per centum of the Federal share for such State or interstate agency for each fiscal year for each such element; except that the amount of such grant may be increased to an amount not exceeding 250 per centum of the Federal share of such State or interstate agency if the Secretary determines that such agency has developed all five of the elements enumerated in subsection (i).

"(2) Whenever the eligible bonuses under this section are greater than the amount appropriated, the amounts available to each State shall be reduced in proportion to the amounts available to all other States.

"(3) Grants made under this subsection shall be in addition to any grants made under other subsections of this section.

"(4) No grant shall be made under this subsection to any State or interstate agency during any fiscal year unless such State or interstate agency expends during such fiscal year an amount of non-Federal funds for its improved water pollution control program which is not less than the amount of such funds expended by it for its water pollution control program, whether basic or improved, during the last preceding fiscal year.

"(5) No grant shall be made to any State or interstate agency under this subsection unless during such fiscal year such State or interstate agency is conducting a program to prevent and control water pollution under a plan approved pursuant to subsection (c) of this section.

"(k)(1) From any sums that may be available therefor in any fiscal year, which are not expended for grants under other subsections of this section, and which are not expended for grants under other subsections of this section, and which do not exceed 10 per centum of the total amount of funds appropriated for grants under this section in such fiscal year, the Secretary may make grants to States and to interstate agencies to support water pollution control projects which are exceptional because of the nature and scope of the water pollution problems toward which they are directed and the impact on State or interstate programs.

"(2) No grant shall be made under this subsection to any State or interstate agency during any fiscal year unless such State or interstate agency expends during such fiscal year an amount of non-Federal funds for its water pollution control program, whether basic or improved, which is not less than the amount of such funds it expended for its water pollution control program, whether basic or improved, during the last preceding fiscal year."

The material presented by Mr. SCOTT is as follows:

SECTION-BY-SECTION ANALYSIS OF A BILL TO AMEND SECTIONS 5, 6, AND 7 OF THE FEDERAL WATER POLLUTION CONTROL ACT (RESEARCH AND STATE GRANTS)

Section 1 amends section 5 of the Federal Water Pollution Control Act to combine, update and simplify the provisions of the present section 5 regarding research, investigations, training and demonstration activities conducted within the Department, and through Federal assistance to individual agencies and institutions, and the provisions of section 6 regarding grants and contracts for demonstrations and development of advance waste treatment, combined sewers and industrial waste treatment.

Section 5(a), as amended by the bill, would continue to authorize the Secretary

of the Interior to conduct within the Department and to encourage, cooperate with and render assistance to other public and private entities and individuals for the purposes of conducting and promoting the coordination of research, investigations, experiments, demonstrations and studies relating to the causes, control and prevention of water pollution. To this objective are added the positive mandate to enhance and protect water quality, develop and demonstrate waste water reuse technology and the specific purposes now contained in sections 5(d)(A), 5(d)(B), 5(d)(C), 5(f), 6(a)(1), 6(a)(2), and 6(b).

Section 5(b), as amended by the bill, consolidates the list of procedures the Secretary is authorized to use to carry out the purposes of the section, including authority to collect, coordinate and disseminate information (as now authorized by section 5(a)(1) and 5(c)); make grants (now in section 5(a)(2)); secure the assistance of experts, scholars and consultants (now in section 5(a)(3)); establish and maintain research fellowships (now in section 5(a)(4)); and provide training (now in sections 5(b)(5) and 5(a)(2)).

Section 5(c), as amended by the bill, preserves the limitation of the Federal grant to 75 percent of the project (now in section 6(c) on projects to demonstrate storm water and sewage separation techniques and projects to demonstrate advanced waste treatment and new joint municipal-industrial treatment methods. Deleted is the limitation now in section 6(c) that projects be approved by the State agency.

Section 5(d), as amended by the bill, preserves the limitations now in section 6(d) that grants for industrial waste treatment research and demonstration projects not exceed $1,000,000 and not be for more than 70 percent of the projected cost. The limitation that the Secretary must determine the project will serve a useful purpose is deleted because this will not now be a general requirement for all grants.

Section 5(e) which authorizes the establishment of field laboratory and research facilities is left basically unchanged by the bill.

The present section 5(f) which directs the Secretary to conduct research and technical development work and make studies regarding the quality of the waters of the Great Lakes, is deleted. The Department will continue its research and development activities on Great Lakes problems under the general authority of other provisions of section 5.

The new section 5(f) added by the bill authorizes total appropriations, to remain available until expended, for fiscal years 1970, 1971, and 1972, in the sum of $125 million, which is the same total sum divided according to purposes on the same basis, as at present in sections 5(h) and 6(e).

The present section 5(g) which directs that a comprehensive national estuarine pollution study be conducted is deleted because that study has been completed and submitted to the Congress.

Section 2 deletes section 6 of the Act, since it has been merged with section 5.

Section 3 redesignates as section 6 section 7 of the Act, which authorizes State and interstate program grants, and amends it to include, in section 6(a), increased authorizations each year for 5 years on a sliding scale from $12.5 million in fiscal year 1971 up to $30 million for fiscal year 1975. Of these sums $10 million each year is to continue to be available for the basic State and interstate programs.

Section 6(a) through 6(g) continue the same basic provisions that are now in section 7 of the Act. However (1) the new section 6(e)(6) revises one of the criteria for the basic grant to require acceptable criteria to be used by the State in determining priority of projects as provided in section 8(b)(5) rather than just to require a system of priorities as at present; and (2) the procedures for disapproval of a plan submitted by a State have been changed to delete the procedural requirements for formal notice and hearing, appeal and judicial review in the case of a disapproval.

The new section 6(h) provides for program development grants in amounts not to exceed 25 percent of the basic grant to assist the State or interstate agency to develop an approved program.

Section 6(i) defines the five elements of such an approved program (for example, a mandatory permit system).

Section 6(j) provides for a system of program improvement grants in an amount not to exceed 40 percent of the basic grant for each of the five elements defined in section 6(i) and a total of 250 percent if the grantee achieves all of the five elements.

Section 6(k) sets up the third new category, special project grants, to give the Secretary authority to make special grants to support water pollution control projects which are exceptional in the scope of problems to be addressed and the impact on the overall State or interstate programs.

The bill (S.3471) to amend sections 1, 3, 10, and 13 of the Federal Water Pollution Control Act, as amended, and for other purposes, introduced by Mr. SCOTT, for himself and other Senators, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 3471

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Federal Water Pollution Control Act, as amended, is further amended to read as follows:

"DECLARATION OF POLICY

"SEC. 1. (a) The purpose of this Act is to enhance the quality of our environment, to establish a national policy for the prevention, control and abatement of water pollution, and to plan future national water quality management for our Nation's population growth, industrial expansion, agricultural intensification, energy requirements, recreation and conservation uses, and environmental quality.

(b) In connection with the exercise of jurisdiction over the waterways of the Nation and to achieve the benefits accruing to the public health and welfare from the prevention and control of water pollution, it is hereby declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution, to support and aid technical research relating to the prevention and control of water pollution, and to provide Federal technical services and financial aid to State and interstate agencies and to municipalities in connection with the prevention and control of water pollution. Because water resources are interrelated and the preservation of water quality is necessary to protect the environment of the Nation, the Federal Government is given the responsibility and right to prevent and control water pollution where necessary to complement State programs, and secure action to protect the right of the public to clean water.

"The Secretary of the Interior (hereinafter in this Act called 'Secretary') shall administer this Act through the Administration created by section 2 of this Act, and with the assistance of an Assistant Secretary of the Interior designated by him, shall supervise and direct the head of such Administration in administering this Act. Such Assistant Secretary shall perform such additional functions as the Secretary may prescribe.

"(c) Nothing in this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States."

SEC. 2. Section 3(a) of the Federal Water Pollution Control Act, as amended, is amended to read as follows:

"COMPREHENSIVE PROGRAMS FOR WATER POLLUTION CONTROL

"SEC. 3. (a) The Secretary shall, after careful investigation, and in cooperation with other Federal agencies, with State water pollution control agencies and interstate agencies, and with the municipalities and industries involved, prepare and develop comprehensive programs for eliminating or reducing water pollution and for improving the usability and condition of such waters by controlling the water pollution activities referred to in section 10(a) of this Act. In the development of such comprehensive programs, the Secretary shall give full consideration to and shall recommend the measures, practices and improvements which he deems appropriate to maintain and improve the quality of water supplies, propagation of fish and aquatic life and wildlife, recreation, conservation of natural resources, protection of environmental quality, agriculture, industry, and other legitimate uses. For the purposes of this section, the Secretary is authorized to investigate, separately or with any such agencies, the condition of any waters specified in section 10(a), and of any discharges of sewage, industrial wastes, or other substances which may adversely affect such waters."
such waters."

SEC. 3. Section 10 of the Federal Water Pollution Control Act, as amended is amended to read as follows:

"ENFORCEMENT MEASURES AGAINST POLLUTION OF INTERSTATE OR NAVIGABLE WATERS

"SEC. 10. (a) 'Water pollution activities' shall be subject to the procedures, remedies, and abatement measures provided for in this section, and, as used in this section shall mean:

"(1) The pollution of interstate waters, navigable water of the United States, including boundary waters, tributaries or portions of any of these waters, and ground waters (whether the discharge reaches such waters from runoff, percolation, or direct discharge into such waters or tributaries or portions of such waters) which endangers the health or welfare of any persons or adversely affects the quality of any such waters.

"(2) Pollution of the waters of the Contiguous Zone of the United States that causes or is likely to cause pollution of the territorial sea of the United States to an extent that endangers the health or welfare of any persons or is likely to adversely affect the quality of the territorial sea of the United States.

"(3) Pollution of the waters of the high seas beyond the territorial sea of the United States, which endangers the health or welfare of any person or adversely affects the quality of such waters through discharges which are transported from or originate in areas over which the United States has sovereignty.

"The term 'waters specified in subsection (a)' as used in this section means the waters where any water pollution activities take place.

"(b) Consistent with the policy declaration of this Act, State and interstate action to abate pollution of said waters specified in subsection (a) of this section shall be encouraged and shall not, except as otherwise provided by or pursuant to court order under subsections of this section, be displaced by

Federal enforcement action. This subsection shall apply only to those waters over which the States have jurisdiction.

"(c) (1) If the governor of a State or a State water pollution control agency filed, before October 3, 1966, a letter of intent that such State, after public hearings, would, before June 30, 1967, adopt water quality criteria applicable to interstate waters or portions thereof within such State, and a plan for the implementation and enforcement of the water quality criteria adopted, and if such criteria and plan were established in accordance with the letter of intent, and if the Secretary has determined or determines that such State criteria and plan are consistent with paragraph (4) of this subsection, such State criteria and plan shall thereafter be the water quality standards applicable to such interstate waters or portions thereof. If, in addition, a State, after public hearings, will, within one year after the date of the enactment of this amendment: (A) adopt water quality criteria applicable to all waters specified in subsection (a) hereof over which the State has jurisdiction other than interstate waters or portions thereof within such State; (B) adopt water quality requirements controlling discharges affecting water quality for all waters specified in subsection (a) hereof over which the State has jurisdiction; and (C) amend its plan for the implementation and enforcement of the water quality criteria applicable to such interstate waters or potrions thereof within such State to include the implementation and enforcement of water quality criteria adopted under provision (A) herein, and also to include the implementation and enforcement of water quality requirements adopted under provision (B) herein, and if the Secretary determines that such State criteria, requirements and plan as amended are consistent with paragraph (4) of this subsection, such criteria, requirements and plan shall hereafter constitute the water quality standards applicable to such waters or portions thereof. Such requirements controlling discharge shall include, but not be limited to, control of the discharge of sewage, industrial and municipal wastes, fertilizers, herbicides, pesticides, sediment, hazardous materials, and any other discharges affecting water quality.

"(2) If a State has not adopted before June 30, 1967, water quality criteria applicable to interstate waters or portions thereof within such State determined by the Secretary to be consistent with paragraph (4) of this subsection; or if such State does not within one year after the date of the enactment of this amendment: (A) adopt water quality criteria applicable to all waters specified in subsection (a) hereof over which the State has jurisdiction other than interstate waters or portions thereof within such State; (B) adopt water quality requirements controlling discharges affecting water quality for all waters specified in subsection (a) hereof over which the State has jurisdiction; and (C) amend its plan for the implementation and enforcement of the water quality criteria applicable to such interstate waters or portions thereof within such State to include the implementation and enforcement of water quality criteria referred to in provision (A) herein, and the implementation and enforcement of water quality requirements referred to in provision (B) herein, in accordance with paragraph (1) of this subsection, or if the Secretary or the governor of any State affected by water quality standards, including criteria, requirements and plan, established pursuant to this Act, desires a revision in such criteria, requirements and plan, the Secretary shall after reasonable notice (i) hold a public hearing in order to secure necessary data, (ii) recess such hearing following receipt of such data, (iii) prepare regulations setting forth such standards, including criteria, requirements and plan, to be applicable to water specified in subsection (a) hereof, over which the State has jurisdiction, (iv) reconvene such hearing for the purpose of affording affected parties a hearing on such regulations, and (v) upon completion of such hearing publish such regulations.

If, within sixty days from the date the Secretary publishes such regulations, the State has not adopted water quality standards, including criteria, requirements and plans, which the Secretary finds to be consistent with paragraph (4) of this subsection, and a petition for public hearing has not been filed under paragraph (5) of this subsection, the Secretary shall promulgate such standards, including criteria, requirements and plan.

"(3) For waters in subsection (a) hereof for which the States do not have jurisdiction or which are not covered by standards adopted pursuant to other provisions of this Act, the Secretary shall, after reasonable notice and a conference of representatives of appropriate Federal departments and agencies, interstate agencies, States, municipalities and industries involved, promulgate regulations setting forth such water quality standards, including criteria, requirements for such waters and a plan for the implementation and enforcement of such criteria and requirements, as to water pollution activities in such waters.

"(4) Standards, which include criteria, requirements and a plan, established pursuant to this subsection, shall be such as to protect the public health or welfare, to enhance the present quality and value of water and our water resources, to assure, by proper planning and implementation, the water resource needs for future population growth, industrial expansion, agricultural intensification, energy requirements, recreation and conservation uses and environmental quality, and to serve the purposes of this Act. In considering or establishing such standards, including criteria, requirements and plan, the Secretary, the hearing board, and the appropriate State authority, shall take into consideration their present and prospective use and value to maintain and improve the quality of water supplies, propagation of fish and aquatic life, and wildlife, recreation, conservation of natural resources, protection of environmental quality, agriculture, industry, and other legitimate uses.

"(5) If at any time prior to thirty days after standards, including criteria, requirements and a plan, have been promulgated under paragraph (2) of this subsection, the Governor of any State affected by such standards, including criteria, requirements, and a plan, petitions the Secretary for a hearing, the Secretary shall call a public hearing, to be held in or near one or more of the places where such standards, including criteria, requirements, and a plan, will take effect, before a Hearing Board of five or more persons appointed by the Secretary. Each State which would be affected by such standards, including criteria, requirements, and a plan, shall be given an opportunity to select one member of the Hearing Board. The Department of Agriculture, the Department of Commerce, the Department of Health, Education, and Welfare, and other affected Federal departments and agencies shall each be given an opportunity to select a member of the Hearing Board. Not less than a majority of the Hearing Board shall be persons other than officers or employees of the Department of the Interior. Members of the Board who are not officers or employees of the United States, while participating in the hearing conducted by the Hearing Board or otherwise engaged in the work of the Hearing Board, shall be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including travel time, and while 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 law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently. Notice of such hearing shall be published in the Federal Register and given to the State water pollution control agencies, interstate agencies, and municipalities involved at least thirty days prior to the date of such hearing. On the basis of the evidence presented at such hearing, the Hearing Board shall make findings as to whether the standards, including criteria, requirements, and a plan, published or promulgated by the Secretary should be approved or modified and transmit its findings to the Secretary. If the Hearing Board approves the criteria, requirements, and a plan, as published or promulgated by the Secretary, the standards, including criteria, requirements, and a plan, shall take effect on receipt by the Secretary of the Hearing Board's recommendations. If the Hearing Board recommends modifications in the standards, including criteria, requirements, and a plan, as published or promulgated by the Secretary, the Secretary shall promulgate revised regulations setting forth the standards, including criteria, requirements, and a plan, in accordance with the Hearing Board's recommendations, which regulations shall become effective immediately upon promulgation.

"(6) Any water pollution activity consisting of any discharge into the waters specified in subsection (a) hereof or portions thereof which reduces the quality of such waters below the water quality standards established under this subsection, or any discharge into said waters which is of lesser quality than the requirements controlling such discharges or any discharge which is not in compliance with the implementation and enforcement plan for such criteria and requirements (whether the discharge causing or contributing to such pollution reaches such waters from runoff, percolation, or direct discharge into such waters or tributaries thereof or adjoining bodies of water) is subject to abatement in accordance with the provisions of this section. At least one hundred and eighty days before any abatement proceeding is initiated under this subsection, the Secretary shall notify each alleged pollutor, the water pollution control agency, and the interstate agency, if any, of the State of States where such pollution originates or which may be affected adversely by such pollution, of the violation of such standards and of the remedial action required and shall call a public hearing to be held not less than twenty-one days after issuance of such notice. If remedial action, as determined by the Secretary, to secure abatement of the pollution is not taken within such one hundred and eighty day period after the Secretary has issued notice of violation, or if, at any time thereafter, the alleged pollutor fails to take remedial action, as determined by the Secretary, the Secretary may request the Attorney General to bring a suit on behalf of the United States in the appropriate United States district court to secure abatement of the pollution, including compliance with such standards, which include criteria, requirements and plan. In any such suit, the court shall take judicial notice of the established water quality standards, including criteria, requirements and plan, and shall receive into evidence a transcript of the hearing, held by the Secretary and a copy of the findings prepared by the Secretary pursuant to such hearing. In addition, the court shall receive in evidence the recommendations of any conference or hearing board held pursuant to this section and such additional evidence as it deems necessary. The court, giving due consideration to the practicability and to the physical feasibility of complying with such standards, shall have jurisdiction to enter such judgment and orders enforcing such judgment as the public interest and the equities of the case may require, including injunction of activities which violate such standards, enforcement conference recommendations or other provisions of this section, and effective six months after enact-

ment of this provision, forfeiture of up to $10,000 for each such violation for each day after the end of the one hundred and eighty day period specified herein or commencing at such time thereafter that the alleged pollutor fails to take remedial action, provided that, in imposing such forfeiture, the court shall take into account the efforts of the alleged pollutor to abate pollution, and provide further that such forfeiture shall be in addition to and not in lieu of such other judgment and orders as the court may enter.

"(d)(1) The Secretary, if he finds an occurence of water pollution activity of any waters specified in subsection (a) hereof over which he has jurisdiction or for which standards, including criteria, requirements and plan, have been established under this Act, and that he has good reason to believe that such water pollution activity constitutes a violation of existing water quality standards or endangers the health and welfare of any person, shall give formal notification thereof to the water pollution control agency of the State or States where such discharge or discharges originate and the interstate agency of which such State or States are members, if any, and shall promptly call a conference of such agency or agencies and the State water pollution control agency of the State or States, and such interstate agency, if any, which may be adversely affected by such pollution. In addition, whenever requested by the governor of any State or a State water pollution control agency, or (with the concurrence of the governor or the State water pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to water pollution activity in waters specified in subsection (a) hereof which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges causing or contributing to such pollution orginates, or which adversely affects the quality of such waters in such other State, give formal notification thereof to the water pollution control agency and interstate agency, if any, of the State or States where such discharge or discharges originate and shall promptly call a conference of such agency or agencies and the State water pollution control agency of the State or States, and the interstate agency, if any, which may be adversely affected by such pollution. Also, whenever requested by the governor of any State, the Secretary shall, if such request refers to water pollution activities in waters specified in subsection (a) hereof over which the State has jurisdiction, which is endangering the health or welfare of persons only in the requesting State in which the discharge causing or contributing to such pollution originates or which adversely affects the quality of such waters, give formal notification thereof to the water pollution control agency and the interstate agency, if any, of such State or States, and shall promptly call a conference of such agency or agencies, unless, in the judgment of the Secretary, the effect of such pollution on the legitimate uses of the waters is not of sufficient significance to warrant exercise of Federal jurisdiction under this section.

"(2) Whenever the Secretary, on the basis of reports, surveys, or studies has reason to believe that any water pollution activity is occuring in the United States portion of international boundary waters, and that such water pollution activity constitutes a violation of existing water quality standards or endangers the health and welfare of any person, he shall give formal notification thereof to the water pollution control agency and the interstate agency, if any, of the State or States in which such discharge or discharges originate and shall promptly call a conference of such agency or agencies. The Secretary shall invite the foreign country which may be adversely affected by the pollution to attend and participate in the conference. Nothing in this paragraph shall be construed to modify, amend, repeal, or otherwise affect the provisions of the 1909 Boundary Waters Treaty between Canada and the United States or the Water Utilization Treaty of 1944 between Mexico and the United States (59 Stat. 1219) relative to the control and abatement of water pollution in waters covered by those treaties.

"(3) The agencies called to attend such conference may bring such persons as they desire to the conference. In addition, the chairman of the conference shall give every person contributing to the alleged pollution or affected by it an opportunity to make a full statement of his views to the conference. Not less than three weeks prior notice of the date set for the conference shall be given to such agencies.

"(4) Following such conference, the Secretary shall prepare and forward to all of the water pollution control agencies and interstate agencies attending the conference a summary of conference discussions including (A) occurrence of water pollution activity of waters specified in subsection (a) hereof, (B) adequacy of measures taken toward abatement of the pollution, and (C) the nature of delays, if any, being encountered in abating the pollution.

"(e) If the Secretary believes, upon the conclusion of the conference or thereafter, that effective progress toward abatement of pollution is not being made in accordance with the recommendations of the Secretary, or that such pollution endangers the health or welfare of any person or violates water quality standards, including criteria, requirements and a plan, applicable to such waters, he shall recommend to the appropriate State water pollution control agency or agencies that they require the alleged polluter to take remedial action, as determined by the Secretary, to secure abatement of the pollution and he shall also notify the alleged polluter of the requirement for such remedial action. The Secretary shall allow ninety days from the date he makes such recommendations or one hundred and eighty days from the end of the conference session, whichever period ends later, for remedial action, as determined by the Secretary, to be taken.

"(f) If, at the conclusion of the period provided in subsection (e), such remedial action, as determined by the Secretary, has not been taken by the alleged polluter, or if, at any time thereafter, the alleged polluter fails to take remedial action, as determined by the Secretary, the Secretary may request the Attorney General to bring a suit on behalf of the United States in the appropriate United States district court to secure performance of such remedial action and such recommendations, standards, criteria, requirements and plan.

"(g) In any such suit, the court shall take judicial notice of the established water quality standards, including criteria, requirements and plan, and shall receive in evidence a transcript of the proceedings before the conference and a copy of the Secretary's recommendations, and shall receive such further evidence as the court, in its discretion, deems necessary. The court, giving due consideration to the practicability and to the physical feasibility of securing abatement of any pollution proved, shall have jurisdiction to enter such judgment and orders enforcing such judgment, as the public interest and the equities of the case may require, including injunction of activities which violate such standards, enforcement conference recommendations or other provisions of the section and, effective six months after enactment of this provision, forfeiture of up to $10,000 for each such violation for each day after the end of the period provided in subsection (e), or commencing at such time thereafter that the alleged pollutor fails to take remedial action, provided that, in imposing such forfeiture, the court shall take into account the efforts of the alleged pollutor to abate pollution, and provided further that such forfeiture shall be in addition to and not in lieu of such other judgment and orders as the court may enter.

"(h) Notwithstanding any other provision of this section, the Secretary, upon his determination that a particular pollution source or combination of sources is presenting or may present an imminent and substantial danger to the health or welfare of any person or persons, or may cause irreparable damage to water quality or the quality of the environment, may request the Attorney General to bring a suit on behalf of the United States in the appropriate United States district court to enjoin immediately any person contributing to the alleged pollution from further discharges causing such pollution and to take such other action as may be necessary.

"(i)(1) In connection with any hearing, proceeding, or conference, the Secretary is authorized to require any person whose alleged water pollution activities result in discharges causing or contributing to water pollution, to file with him, in such form as he may require, a report based on existing data, furnishing such information as may reasonably be required as to the character, kind, and quantity of such discharges and the use of facilities or other means to prevent or reduce such discharges by the person filing such a report. Such report shall be made under oath or otherwise, as the Secretary may prescribe and shall be filed with the Secretary within such reasonable period as he may prescribe, unless he grants additional time. In order to further the purposes of this section, the Secretary may disseminate any information reported which is not covered by section 1905 of title 18 of the United States Code.

"(2) If any person required to file any report under paragraph (1) of his subsection shall fail to do so within the time fixed by the Secretary for filing the same, and such failure shall continue for thirty days after notice of such default, such person shall forfeit the sum of $100 for each day of the continuance of such failure, which forfeiture shall be payable to the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business. The Secretary may, upon application therefor, remit or mitigate any forfeiture provide for under this paragraph, and shall have authority to determine the facts upon all such applications.

"(3) It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of such forfeitures.

"(j)(1) The Secretary may investigate any facts, conditions, practices, or matters which he may find necessary or proper in order to determine whether any person has violated or is about to violate any provision of this Act or any standards, including criteria, requirements and a plan thereunder, or to aid in the enforcement of the provisions of this Act or in promulgating criteria, plans, rules or regulations thereunder, or in obtaining information to serve as a basis for recommending further legislation concerning the matters to which this Act relates. The Secretary may permit any person to file with him a statement in writing under oath or otherwise, as he shall determine, as to any or all facts and circumstances concerning a matter which may be the subject of investigation.

"(2) For the purpose of any enforcement conference, investigation or any other proceeding under this Act, the Secretary is em-

powered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records which the Secretary finds relevant or material to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States at any designated place of hearing. Witnesses summoned by the Secretary to appear before him shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

"(3) The Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, is authorized (A) to enter, at reasonable times, any public or private property from which discharge is being made into waters specified in subsection (a); (B) to inspect and investigate, at reasonable times and within reasonable limits and in a reasonable manner, the operation of collection systems, waste treatment works or facilities, or conditions relating to pollution or the possible pollution of such waters; and (C) to have access to such records in connection therewith as the Secretary may require.

"(4) In case of contumacy by, or refusal to obey a subpena issued to any persons, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, contracts, agreements, and other records. Such court may issue an order requiring such persons to appear before the Secretary to produce records, if so ordered, or to give testimony relating to the matter under investigation or in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found or may be doing business. Any person who willfully shall fail to attend or refuse to testify, or to answer any lawful inquiry, or to produce books, papers, correspondence, memoranda, contracts, agreements, or other records, if in his or its power so to do, as designated or specified in the subpena of the Secretary, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than $100 for each day of the continuance of such failure or imprisonment for a term of not more than one year, or both.

"(5) The testimony of any witness may be taken, at the instance of a party, in any pending conference, proceeding or investigation under this Act, by deposition, at any time after the notice of the proceeding is published. The Secretary may also order testimony to be taken before any person authorized to administer oaths who is not of counsel or attorney to the party making the deposition. Any person may be compelled to appear and depose, and to produce documentary evidence, in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the conference or other proceeding or investigation, as hereinbefore provided. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall, after it has been reduced to writing, be subscribed by the deponent.

"(6) If a witness whose testimony may be desired to be taken by deposition be in a foreign country, the deposition may be taken before an officer or person designated by the Secretary, or agreed upon by the parties by stipulation in writing to be filed with the Secretary. All depositions must be promptly filed with the Secretary.

"(7) Witnesses whose depositions are taken as authorized in this Act, and the person or officer taking the same, shall be entitled to the same fees and mileage that are paid witnesses in the courts of the United States.

"(8) In order to further the purposes of this section, the Secretary may disseminate any information obtained under this subsection which is not covered by section 1905 of Title 18 of the United States Code.

"(k) The invocation of any one procedure authorized under this section shall not prevent the application of any other procedure of this section to any case to which this Act would otherwise be applicable.

"(l) As used in ths section the term—

"(1) 'person' means an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body, and

"(2) 'municipality' means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law."

SEC. 4. Section 13 of the Federal Water Pollution Control Act, as amended, is amended to revise subsection (a) to read as follows:

"(a) The term 'State water pollution control agency' means a single State agency designated by that State as the official State water pollution control agency for purposes of this Act."

and to add the following subsections (g) and (h):

"(g) 'boundary waters' means the waters from the main shore of the United States to the international boundary of the lakes and rivers and connecting waterways, or portions thereof, along which the international boundary between the United States and Canada or the United States and Mexico passes, including all bays, arms, and inlets thereof, tributary waters which in their natural channels would flow into such lakes, rivers and waterways, or waters flowing across the boundary.

"(h) 'contiguous zone' means the entire zone defined by article 24 of the Convention on the Territorial Sea and the Contiguous Zone."

The material presented by Mr. SCOTT is as follows:

A BILL TO AMEND SECTIONS 1, 3, 10, AND 13 OF THE FEDERAL WATER POLLUTION CONTROL ACT (JURISDICTION AND ENFORCEMENT)

SECTION-BY-SECTION ANALYSIS

Section 1 amends the declaration of policy in section 1 of the Act to express specifically the purpose of enhancing the quality of the environment, and the necessity to ensure water quality to meet future needs. The Federal responsibility to act where necessary to complement State action is stressed in order to assure equality in the application of water quality requirements, and to protect the right of the public to clean water.

Section 2 amends section 3 of the Act to expand the Secretary's authority to prepare or develop comprehensive water quality management programs relating to water pollution activities in interstate waters and navigable waters, including boundary waters of the United States, and waters of the contiguous zone, and other ocean waters, ground water, and tributaries and portions of these waters. The development of programs to protect the environment and to conserve these waters for many uses is stressed. The Secretary would be authorized to conduct his own investigation of the condition of any waters as well as to conduct joint investigations with other agencies.

Section 3 substantially amends section 10, the enforcement section of the Act in a number of ways as described below.

Section 10(a) of the present Act makes subject to abatement water pollution activities in interstate or navigable waters which endanger the health and welfare of persons. Section 3 extends this jurisdiction to include expressly boundary waters and ground water of the United States, and to include water pollution activities in waters of the contiguous zone which adversely affect water quality in the territorial sea and pollution of the high seas through discharges transported from United States territory.

The requirement is retained in section 10 (b) of the Act that State and interstate action to abate pollution shall be encouraged and shall not be displaced by Federal court action, except as provided by court action. However, minor changes in section references are made.

Section 10(c) is amended to add that if the States adopt, within one year from enactment, the following: First, water quality criteria applicable to all waters specified in subsection 10(a) over which the State has jurisdiction other than interstate waters or portions thereof with such State (i.e., other than those for which standards have already been established); second, water quality requirements controlling discharges affecting water quality for waters specified in subsection 10(a) over which the State has jurisdiction; and third, an amended plan for the implementation and enforcement of all the water quality criteria applicable to the water pollution activities in waters specified in subsection 10(a) and of the discharge requirements for such waters. The Secretary would be authorized to act, after public hearings, if the State does not take acceptable action. The bill would also reduce from 6 months to 60 days the period between publication of proposed standards by the Secretary and their promulgation, in a case where the State does not act to set acceptable standards.

The bill provides, in a new subsection 10 (c)(3), for establishment by the Secretary of standards for boundary waters of the United States, waters of the contiguous zone, and other waters not covered by other provisions of the Act.

The present subsection 10(c)(3) is renumbered as subsection 10(c)(4), and broadened to include requirements for control of discharges in the description of standards. The requirement that standards, including discharge requirements, and plans for enforcement and implementation take into account environmental protection, population growth and energy needs, as well as the other purposes now in the Act, is recognized, as is the provision that each State should act to set these requirements.

Subsection 10(c)(4) would be renumbered as subsection 10(c)(5) and amended to provide specifically for selection by the Departments of Agriculture and Health, Education, and Welfare of members for any hearing board called to consider water quality standards which have been established. HEW participation is now authorized by the Reorganization Plan No. 2 of 1966, while authorization of Agriculture would be new.

Subsection 10(c)(5), renumbered as subsection 10(c)(6), is amended to make subject to abatement any discharge which is of lesser quality than the requirements controlling discharges, as well as the presently proscribed discharges which lower water quality below applicable standards. This will clarify the authority to abate discharge of pollutants from industrial, municipal, and other sources into already heavily polluted waters, whether or not it can be shown that the particular discharge of pollutants reduces the quality of the receiving waters, if it is contrary to discharge requirements. Another amendment would require the Secretary, after providing reasonable notice and opportunity for a hearing, to notify each alleged pollutor, state water pollution control agency and interstate agency affected, of the need for remedial action. If such action has not been taken within the 180-day notice period now specified in the Act and after public hearing within that period or if at any

later time remedial action is not taken, the Secretary may request that the Attorney General bring suit to abate the pollution. The bill also would delete the requirement that a Governor give his consent to court action to abate standards violations which have only intrastate effect. A further amendment would provide that, effective 6 months after enactment of this section, the court could assess a forfeiture of up to $10,000 for each violation of the section for each day after the end of the 180-day period or at such later time that the alleged pollutor fails to take remedial action. Such forfeitures, which would be in addition to and not in lieu of other judgment and orders of the court (e.g., an injunction), will serve to induce pollutors to take remedial action before they are ordered to do so by the court. Essentially the same provision for forfeitures would be added to subsection 10(g) which concerns post-enforcement conference court action.

The present subsection 10(c)(6) is deleted: (1) because a new subsection 10(d) is added which provides that remedies under section 10 are cumulative, and (2) to recognize the extension of Federal jurisdiction in the bill.

Subsection 10(d)(1) would be amended to authorize the Secretary to call an enforcement conference if he finds an occurrence of pollution of any water subject to the Act if he has reason to believe such pollution constitutes a violation of water quality standards or endangers public health and welfare. Deleted is the present requirement for either (1) a request of a Governor or a water quality agency of a State other than that where the discharge is occurring, although the Secretary could still act upon State request in the case of any pollution covered by the Act, or (2) a determination by the Secretary that there is such pollution endangering health or welfare of persons in a second State or causing economic injury due to inability to market shellfish. The present unnecessarily restrictive requirements fail to recognize the overwhelming need to take prompt action to protect the public health and welfare, regardless of the circumstances of geography and jurisdiction. The present subsection 10(g) which provides for requests by the Secretary that the Attorney General bring suit, is renumbered subsection 10(f) and the requirement that the Governor consent to such suit where the pollution does not endanger persons in a State other than where the discharge originates is deleted.

The provision in subsection 10(d)(2) for action to abate pollution which affects persons in another country is amended to delete the requirements for a report from an international agency and a request from the Secretary of State before the Secretary can act to abate pollution in the United States portion of boundary waters. This change will serve chiefly to expedite action against pollution inside our borders which affects the quality of the United States portion of boundary waters or endangers health and welfare.

The minimum of 6 months now allowed in subsection 10(e) for remedial action after the conclusion of an enforcement conference is changed to provide a minimum of either 90 days from the date the Secretary makes his recommendations for remedial action or 180 days from the conclusion of the conference, whichever period ends later.

The requirement in subsection 10(f) for a public hearing before a Hearing Board, now the second major phase in the three-phase enforcement process (conference, hearing, court action) would be deleted. It has been our experience that sufficient information is generated at the enforcement conference to provide a sound basis for State or Federal action to abate the alleged pollution.

Subsection 10(f), as revised by the bill, would authorize the Secretary to request the Attorney General to bring suit to secure abatement of the pollution, if remedial action has not been taken by the person or persons responsible for the pollution within the period stated in subsection 10(e) or at such later time that remedial action is not taken. As noted above, the requirement for the Governor's consent to the suit in the case of pollution with only intrastate effect is eliminated.

The provision in subsection 10(g) that the court consider economic feasibility in cases arising from the enforcement procedures would be eliminated but the other guidelines for the court's determination (practicability and physical feasibility) would remain. As noted above, the court would be authorized to order forfeiture of up to $10,000 per violation per day, in this case starting after the period provided for in section 10(e) for remedial action or at such later time that the alleged pollutor fails to take remedial action. This should produce swifter voluntary compliance by the alleged pollutor.

The bill would add a new subsection 10(h) to authorize the Secretary to request the Attorney General to seek an immediate injunction where pollution presents an imminent and substantial danger to health, or welfare of persons or irreparable damage to water quality or the quality of the environment generally.

The definition of "person" in subsection 10(j), redesignated as 10(l), would be broadened to include commissions and interstate bodies.

The language in the present subsection 10(k)(1) [renumbered 10(l)(1)] which would exempt a person from divulging trade secrets or secret processes is deleted but the requirement that all information be considered confidential to the extent required by section 1905 of Title 18 of the United States Code is retained. Investigation of alleged pollution would be greatly facilitated by disclosure of information regarding the exact chemical composition of industrial and other discharges, for example. The requirement that the information be kept confidential will serve to protect the persons making such disclosure.

Extensive authority is provided in a new subsection 10(j) for the Secretary to investigate violations; compel attendance of witnesses and production of records, report and documents; enter, at reasonable times, public or private property; administer oaths; and compel compliance through court action. This authority is exercised by a number of other Federal agencies with similar regulatory authority and would prove valuable in enforcement of the provisions of the Act. The same requirement for confidentiality as in section 10(*l*) would apply to information obtained under section 10(j).

Section 4 of the bill would amend section 13 of the Act, which defines the terms used in the Act, to eliminate the reference to the State health authority in the definition of "State water pollution control agency" and redefine such an agency to mean the single State agency designated by the State as the official agency for the Act's purposes. Water quality is no longer considered solely in a public health aspect but as part of total resource management and protection of environmental quality. A definition of the "contiguous zone" is provided by reference to Article 24 of the Convention on the Territorial Sea and the contiguous zone.

The bill (S. 3472) to amend section 8 of the Federal Water Pollution Control Act, as amended, and for other purposes, introduced by Mr. SCOTT, for himself and other Senators, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 3472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 *et seq.*), is amended as follows:

1. Subsection (a) is amended to insert after the words "to make grants to" the words "and incur obligations in the form of grant agreements or otherwise with".

2. Subsection (b) is amended to insert in lieu of the word "grant" wherever it now appears, the words "grant or other commitment of financial assistance"; to strike the words "not less than thirty per centum" in clause (6) and insert in lieu thereof "not less than twenty-five per centum"; and to change the period at the end of the subsection to a semicolon and add the following: "(8) No grant or other financial assistance shall be made unless the applicant complies with such regulations as the Secretary may prescribe to assure the effective and efficient use of funds under this section."

3. Subsection (c) is amended to delete the language from the words "The sums appropriated . . ." through the words "Federal institution or activity." and to insert in lieu thereof the following:

"The sums authorized to be obligated pursuant to subsection (e) for each fiscal year beginning on or after July 1, 1970, shall be allocated by the Secretary, from time to time, in accordance with regulations, as follows:

"(1) sixty per centum of all sums appropriated in the ratio that the population of each State bears to the population of all the States, except that, the first $100,000,000 of sums within such percentage shall be allocated as follows:

"(A) fifty per centum of such sums in the ratio that the population of each State bears to the population of all the States, and (B) fifty per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotient for all the States; and

"(2) twenty per centum of such sums to those States which agree to pay not less than twenty-five per centum of the estimated reasonable cost, as determined by the Secretary, of all projects for which Federal grants or other commitments of financial assistance are to be made under this section during any fiscal year, which allotment shall be in the ratio that the population of each such State bears to the population of all such States;

"(3) twenty per centum of such sums to those States which the Secretary determines in accordance with regulations: (A) have the most severe water pollution problems; and (B) can best use such funds to meet the requirements of a basin-wide pollution abatement plan.

"(4) The total allocation under clauses (1), (2), and (3) to any State shall not exceed the amount of Federal grant funds obligated within such State for purposes of this section during the preceding fiscal year, unless such State shall file with the Secretary, within the first ninety days of the current fiscal year, an acceptable pollution control plan that would require the obligation of funds for purposes of this section which are in excess of the funds obligated within such State in the preceding fiscal year, in which case the Secretary may allocate up to the full amount that would otherwise be allocated to such State for the current fiscal year if he finds that this plan meets pollution control needs, conforms to water quality standards and enhances the present quality of said waters. Any sums available from the original allocations for which the Secretary has not approved funds in excess of the previous fiscal year and any sums allotted to a State under clauses (1), (2), and (3) hereof which are not obligated at the end of the fiscal year for

which they are allotted shall be reallotted by the Secretary, on the basis used in clause (3) hereof to States having projects approved under this section for which grants have not been made because of lack of funds."

4. Subsection (c) is further amended to delete the words "the second, third and fourth sentences of"; to delete the date "July 1, 1971" where it first appears and to insert in lieu of that date "July 1, 1974"; and to change the date "July 1, 1971" in the next two places where it appears to "July 1, 1973"; and to change the last sentence thereof to read as follows: "For purposes of this section, population shall be determined on the basis of the last year for which satisfactory population figures are available, from the Department of Commerce, and per capita income for each State and for the United States shall be determined on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce."

5. Subsection (d) is amended to read as follows:

"(d) The Secretary is authorized to incur obligations in the form of grant agreements or otherwise in amounts aggregating not to exceed $4,000,000,000, of which sums of $1,000,000,000 shall be available for obligation for each of four consecutive fiscal years beginning with the fiscal year ending June 30, 1971, and shall remain available until obligated. There are authorized to be appropriated such sums as may be required for liquidation of the obligations incurred under this subsection. To assure program continuity and orderly planning, the Secretary, not later than January 10, 1973, shall submit through the President to the Congress a report on the financial requirements for the construction of waste treatment facilities for fiscal years 1975 through 1979."

6. Subsection (f) is deleted; and subsection (g) is renumbered (f).

SEC. 2. This Act may be cited as the "Clean Water Financing Act of 1970."

The material presented by Mr. SCOTT is as follows:

SECTION-BY-SECTION ANALYSIS OF THE CLEAN WATER FINANCING ACT OF 1970

The bill amends section 8 of the Federal Water Pollution Control Act, as amended, in a number of significant respects. The Secretary would be authorized to incur obligations in the form of grant agreements or otherwise in an aggregate amount of $4 billion. Of this sum, $1 billion would be available for each of the four fiscal years beginning with fiscal year 1971. Appropriations of sums necessary to liquidate these obligations would be authorized. The Secretary would submit a report by January 10, 1973, to the Congress, through the President, on requirements for waste treatment works construction for fiscal years 1975 through 1979. In addition, the allocation formula is revised to provide greater flexibility to meet the most severe water pollution problems, and to give an added incentive to the States to fully utilize the funds allocated. States and communities which have constructed approved waste treatment works without Federal assistance are to be reimbursed from sums authorized on the same terms as at present for funds they expend prior to July 1, 1973.

Section 1 amends section 8 of the Act as follows. Subsection 1 amends subsection 8(a) to authorize the Secretary to incur obligations in the form of grant agreements or otherwise, in addition to his present authority to make grants. The classes of grantees and the purposes of such financial assistance remain as in the Act at present.

Subsection 2 of section 1 amends subsection 8(b), which sets limitations on grants, in several ways. The language "grant or other commitment of financial assistance" would be substituted for the word "grant" throughout the subsection to make the limitations apply to the new grant agreements. The provision in clause (6) which permits the Secretary to raise the Federal grant share of a project from 30 percent to 40 percent or 50 percent would remain basically the same, except that a 40 percent grant could be made if the State agrees to pay 25 percent of the estimated reasonable cost of all projects for which Federal grants are to be made under section 8, rather than 30 percent as is now required. This removes the anomalous situation in which, at present, the grantee may receive a 40 percent grant for a project if the State agrees to pay 30 percent of the cost of all such projects but may receive a 50 percent grant if the State pays only 25 percent of the cost of such projects but meets other conditions. A new clause (8) would be added to provide the limitation that no grant or other commitment of financial assistance be made unless the applicant complies with regulations prescribed by the Secretary to assure effective and efficient use of funds.

Subsection 3 of section 1 amends subsection 8(c) of the Act to change the allocation formula; permit reallocation of unobligated funds at the end of the fiscal year rather than 6 months after the end of the year at the present; and remove needs caused by Federal institutions or activities as a specific factor for consideration in reallocation.

The revised allocation formula in the bill for distributing construction grant funds among the States employs three factors. First, 60 percent of the funds would be allocated based on population and financial need using the formula presently in the Act; second, 20 percent based on State agreements to pay at least 25 percent of the cost of all projects receiving construction grants during a fiscal year; and third, 20 percent based on a factor which takes into account the relative severity of water pollution control problems of the various States and their ability to use such funds to fulfill a basinwide pollution abatement plan. This last factor also would be the basis for reallocation of unobligated funds at the end of the fiscal year. This new allocation formula will give the Secretary flexibility to direct construction grant funds to areas where those funds are most critically needed and where they can be used most effectively. To encourage the States to obligate the funds allocated to them, this allocation formula would be qualified to provide that a State not receive more Federal grant funds that it obligated the previous fiscal year unless the State filed an acceptable plan requiring greater obligations in the current year. In such cases, the Secretary would allocate up to the full amount to which the State would normally be entitled.

Subsection 4 of section 1 amends section 8(c) further to extend through fiscal year 1974 the present provisions for reimbursement to States and localities which have used their own funds for projects because Federal grant funds were unavailable. This would apply in the case of funds used for any project on which construction was initiated after June 30, 1966, and would extend to State or local funds used from that date through fiscal year 1973. In order to assure that population data used in the allocation and reallocation of funds among States are as current as possible, the figures used are to be based on the last year for which satisfactory figures are available from the Department of Commerce, rather than on the latest decennial census as at present.

Subsection 5 of section 1 amends section 8(d) which authorizes the obligation and appropriation of funds. The Secretary would be given new authority to incur obligations in the form of grant agreement or otherwise in an aggregate amount of $4 billion, of which $1 billion would be available for obligation for fiscal year 1971 and each of the three succeeding years, with such sums to remain available until obligated. Appropriations of funds required to liquidate these obligations would be authorized. By January 10, 1973, the Secretary would reassess further needs for the construction of waste treatment facilities for fiscal years 1975 through 1979 and report through the President to the Congress on the financial requirements for those subsequent years.

Subsection 6 of section 1 deletes subsection 8(f) of the Act which now permits a bonus grant increase of 10 percent for any project which is certified as being in conformity with a comprehensive regional plan. This will now be a requirement for all projects under proposed grant regulations, rather than a basis for a bonus. Subsection (8)(g), with regard to labor standards requirements, is retained and redesignated (8)(f).

Section 2 provides that the Act may be cited as the "Clean Water Financing Act of 1970."

Mr. NELSON subsequently said: Mr. President, do I understand that the Senator from Pennsylvania has introduced the package of seven environmental bills?

Mr. SCOTT. That is right; I have introduced a package of seven environmental bills, which I believe embrace some 23 proposed legislative actions, and they have associated with them a number of Senators as cosponsors. I invite the cosponsorship of all Senators. They are offered in pursuance of the President's message on the environment.

Mr. NELSON. I ask that my name be added as a cosponsor, and I ask unanimous consent to submit a brief statement for the RECORD respecting those bills, to be printed at an appropriate place.

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

Mr. NELSON. Mr. President, I have asked that my name be added as a cosponsor of the environmental legislation proposed by the President that is being introduced today. Not yet having had the opportunity to give these bills close study, I should point out that I am in general agreement with the objectives spelled out in the President's proposals though I may differ with some of the details.

These bills are steps in the right direction and there are certainly many aspects of the President's environmental package which are deserving of the strong support of all environmentalists, and I will be in support of these or similar provisions in legislation before this Congress.

The environmental crisis is one which will be solved only with a broad, bipartisan effort, not only in Washington, but in political bodies across the country. It is a crisis that indeed poses a survival test not only for the quality of American life, and for our environment, but for our institutions themselves. The growing disillusionment of our young people with the poor performance of our institutions in meeting these problems makes it clear that if there is not real progress on the environmental and other important domestic problem areas in the near future, the young people will reject the present system for something they think will do a better job. That means that very soon we must start making resource commitments to this problem on a scale of our commitments to space exploration and defense systems. We must be pre-

pared to invest as much in our environment as we are wasting in Vietnam.

With his state of the Union message, his environmental message to Congress early this month, and now, this package of legislation, the President has indicated his commitment to this issue.

Now that almost every major political figure in this country has indicated his concern for environmental problems, and his intention to press forward toward solutions, we can get down to the tough job of establishing effective national policies that will establish quality on a par with quantity as an aim of American society. In this spirit, I am glad to cosponsor the President's environmental legislation, as an indication of the importance and necessity of a truly bipartisan effort to meet our grave environmental challenge.

Mr. COOPER. Mr. President, it is with a great deal of pleasure and pride that I join with Senator SCOTT and others in cosponsoring a series of bills proposed by President Nixon to move forward in the essential control of air and water pollution and solid waste. For the first time since I have been the ranking minority member of the Committee on Public Works it is my responsibility to represent an administration of my party and sponsor major legislation within the jurisdiction of this committee. In serving on this very important committee I have learned not only of the urgency of pollution control but the great difficulty and complexity of legislation in this area and I commend the President for his very thorough proposals.

A high quality environment is essential if we are to achieve a quality of life. President Nixon has explicitly drawn this relationship and has made a strong commitment that his administration will work unceasingly toward the resolution of the environmental crisis. In the series of proposed bills he sent to the Congress to accompany his historic state of the environment message, the President has identified a number of areas in which he is asking for congressional assistance to enable him to more adequately serve the public interest. Although there are many important elements in all of the proposals, I would like to highlight several of particular interest.

WATER POLLUTION

After a thorough study, taken at the President's direction, the administration has recommended several significant amendments to the Federal Water Pollution Control Act of 1965, in order to achieve a more satisfactory operation of the Federal-State partnership set forth in that act. In four separate bills the President proposes (a) to modify the policy, abatement and enforcement provisions of the act; (b) to improve the Federal-State program development provisions of the act; (c) to accelerate and improve the municipal waste treatment grant provisions and (d) to add a new and innovative Federal Environmental Financing Authority to assure the ability of States and local communities to construct proper waste treatment facilities.

Several points in these water bills should be further described. First of all, a common thread running through all of the proposals is to create a comprehensive and modern water quality program that recognizes the interrelationship of all water resources. In several areas the authorization and granting provisions of the bills are directed to achieving this broadened scope.

In the evolution of the program under the Federal Water Pollution Control Act it has become apparent that enforcement has been hindered by exclusive reliance on sanctions against violation of water quality standards. The President has recognized this and has recommended that in the formulation of State water quality standards there must be included established requirements controlling the discharges affecting waters subject to standards. This basically means that the States must include effluent standards for the sources of discharges under their jurisdiction. In addition, Federal enforcement authority is extended to include violations of these effluent requirements as well as the violation of water quality standards.

The President has also recognized an unnecessary redundancy in the existing act that requires two time-consuming administrative procedures prior to access to court enforcement: the so-called conference and the hearing. The President proposes to eliminate the hearing phase in the administrative enforcement process based upon experience that sufficient information and a complete record is generated at the enforcement conference to provide a sound basis for court action to abate pollution.

In order to simplify and clarify the thrust of the Federal-State program the President has recommended in the bill to amend sections 5, 6, and 7 of the 1965 act language that would improve the techniques available to achieve the purposes of the act and provide flexibility in the program grant section by the addition of three new categories of assistance: program development grants; program improvement grants; and special project grants. In addition, the President has asked for increased authorizations that would triple the funds available for development of the overall water quality programs.

In a major modification of the provision for waste treatment facilities construction grants, the President proposes a 4-year, $10 billion program based upon two independent estimates of the needs for municipal treatment facilities. In addition to providing $4 billion of Federal sums, $1 billion to be authorized for obligation in each of 4 fiscal years, the President has asked that the allocation formula be revised to provide greater flexibility to meet the most severe water pollution problems and to provide added incentive to the States to fully utilize the funds allocated.

One crucial roadblock in the construction of adequate waste treatment facilities has been the limitations of State and local governments to finance their share of waste treatment project costs. These limitations have confronted water pollution control efforts at every turn. In a very innovative proposal the President recommends that a new Federal Environmental Financing Authority be established that would be authorized to purchase obligations issued by State and local governments to finance their share of such projects upon a finding by the Secretary of the Interior that such purchase is necessary to undertake and complete the project. It is the President's strong feeling that no municipality shall be prevented from participating in the waste treatment program through its inability to finance its share of program costs. He is to be commended for attempting to assist many hindered communities and make high quality water available to all.

AIR POLLUTION

The President has recognized that while the basic operative provisions of the Clean Air Act were substantially modified in the Air Quality Act of 1967, several provisions of the existing Act are in need of revision. In addition, the program experience under this Act has revealed areas where new provisions are necessary. Among the many proposals, the President has proposed that the Secretary of Health, Education, and Welfare be given explicit authority to inspect assembly line vehicles for compliance with emission standards set by regulations under existing law.

In another major effort to get to the heart of the automotive pollution problem the President has recommended that the Secretary's present authority over fuel and fuel additives be extended to enable the Secretary to set standards regulating the composition of any fuel or fuel additive and to further regulate the manufacture and sale of such fuels and additives.

In an attempt to decrease the time consuming and procedural complexity involved in the setting of regional ambient air standards under the present law, the President has proposed that such standard setting be shortened by 6 months or more through the establishment, by the Secretary, of national ambient air quality standards for any pollutant or combination of pollutants which endanger the public health or welfare. This recommendation is based upon the experience to date that there is very little difference in the regional standards being set under present law and that such standard-setting could therefore be expedited by the application of national standards. The existing provision of law permitting States to set more rigid standards is, of course, preserved.

Similar to his recommendation in water pollution control, the President has recommended that in the formulation of implementation plans to enforce national ambient air quality standards, the State shall include emission standards for sources of air effluent under their jurisdiction. It is further requested that Federal enforcement authority be explicity extended to include violation of such emission standards.

The President has recommended that equity and uniformity of application demand that those stationary sources of emissions which contribute substantially to endangerment of public health or welfare be constructed in the future under a nationally established emission standard that would take into account availability of the most advanced technological capability. In addition, the President has asked that any stationary source,

whether new or old, from which emissions occur that are extremely hazardous to health, be subject to national emission standards.

The President has also asked for necessary adjustments in the general Federal enforcement provisions that include, among others, a provision that enables courts to assess penalties up to $10,000 per day for violations continuing after the expiration of the period set for compliance in the notice of the Secretary in the administrative abatement proceeding.

SOLID WASTE

In addition to asking that the provisions of the 1965 Solid Waste Disposal Act be extended, the President has requested authorization for a study into methods and measures to provide incentives for solid waste recovery and reutilization with particular emphasis on the very chronic problem of waste or abandoned automobiles. I think the President has correctly recognized that the long term solution to solid waste disposal is through incorporating recovery and reutilization into our commercial market system. His proposals will take us significant strides in this direction.

The President has proposed many provisions to amend legislation that has been developed in large part, in the Senate Committee on Public Works. In the formulation of this very difficult legislation it was essential that a spirit of bipartisanship exist. To their great credit, and deserving of much public support, the chairman of the committee, Senator RANDOLPH, and the chairman of the Subcommittee on Air and Water Pollution, Senator MUSKIE, have achieved and operate in this spirit. Senator BOGGS and other members of the minority have been instrumental in preserving this bipartisan climate.

If the President's recommendations and legislative proposals are to receive adequate consideration in the committee and the Congress and result in fair and just legislation, this spirit must be preserved. I have no doubt that it will be and I look forward to working with all of the members of the committee as we initiate what, I trust, will be a very thorough exercise of the legislative process on these very matters related to pollution control and environmental quality.

I ask unanimous consent that the letters from the Secretaries of Interior, Health, Education, and Welfare, and Treasury transmitting the President's legislative recommendations be inserted at this point in the RECORD.

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

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
February 10, 1970.

HON. JOHN W. MCCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Enclosed for the consideration of the Congress is a draft bill "To authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes."

This bill would assist in carrying out the recommendations of the President in his February 10 1970, Message on the quality of the environment which relate to the reclamation and recycling of material from solid wastes and extension of the Solid Waste Disposal Act. For the reasons stated in that Message, we urge prompt and favorable consideration of the enclosed draft bill.

We should appreciate it if you would refer the enclosed draft bill to the appropriate committee for consideration.

The Bureau of the Budget advises that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely,

ROBERT H. FINCH,
Secretary.

DEPARTMENT OF THE INTERIOR,
Washington, D.C., Feb. 10, 1970.

HON. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To amend the Federal Water Pollution Control Act, as amended."

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

The proposed legislation would amend the declaration of policy in section 1 of the Act, amend section 3 to expand the authority of the Secretary of the Interior to develop comprehensive water quality management programs, strengthen the enforcement authority in section 10, and define and redefine certain terms in section 13. The bill reflects the modern concept of water quality as a vital part of a livable environment and recognizes the interrelationship of all water resources. Key parts of the bill deal with the increasing problems of ground water pollution and pollution of ocean waters.

The principal thrust of the proposal is to provide for swift, effective enforcement of pollution control measures and to give the Secretary the means to achieve such enforcement firmly and on an equal basis.

The Federal Water Pollution Control Act enacted in 1956 was amended in 1961, 1965, and 1966. A conference committee is now considering the Senate and House versions of H.R. 4148, the proposed Water Quality Improvement Act of 1969, which would make extensive changes in the basic Act. We now find the need for a further strengthening of the Act if it is to be an effective instrument in the future for the abatement of water pollution, the enhancement of water quality, and the protection of the environment. The principal changes which the proposed bill would make in the existing Act are discussed below.

The bill amends the affirmative policy statement in section 1 of the Act to express concern for the quality of the total environment, and for the necessity to ensure water quality to meet future needs. It stresses the Federal responsibility to act where necessary to complement State action, to assure equality in the application of water quality requirements, and to protect the right of the public to clean water.

Section 3 of the Act would be amended to expand the Secretary's authority to prepare or develop comprehensive water quality management programs relating to water pollution activities in interstate waters and navigable waters, including boundary waters of the United States, and waters of the contiguous zone, and other ocean waters, ground water and tributaries and portions of these waters. The development of action programs to protect the environment and to conserve these waters for many uses is stressed. The Secretary would be authorized to conduct his own investigation of waste discharges as well as to investigate them jointly with other agencies.

Section 10(a) of the present Act makes subject to abatement water pollution activities in interstate or navigable waters which endanger the health and welfare of persons. The bill would extend this jurisdiction to include expressly boundary waters and ground water of the United States, and to include water pollution activities in waters of the contiguous zone which adversely affect water quality in the territorial sea and pollution of the high seas through discharges transported from United States territory.

The bill would amend section 10(c) to add the requirements that the States adopt, within one year from enactment, the following: First, water quality criteria applicable to all waters specified in subsection 10(a) over which the State has jurisdiction other than interstate waters or portions thereof within such State (i.e., other than those for which standards are already required); second, water quality requirements controlling discharges affecting water quality for waters specified in subsection 10(a) over which the State has jurisdiction; and third, an amended plan for the implementation and enforcement of all the water quality criteria applicable to the water pollution activities in waters specified in subsection 10(a) and of the discharge requirements for such waters. The Secretary would be authorized to act if the State does not take acceptable action. The bill also would reduce from 6 months to 60 days the period between publication of proposed standards by the Secretary and their promulgation, in a case where the State does not act to set acceptable standards.

The bill provides, in a new subsection 10(c)(3), for establishment by the Secretary of standards for boundary waters of the United States, waters of the contiguous zone, and other waters not covered by other provisions of the Act.

The present subsection 10(c)(3) is renumbered as subsection 10(c)(4), and broadened to include requirements for control of discharges in the description of standards. The requirement that standards, including discharge requirements, and plans for enforcement and implementation take into account environmental protection, population growth and energy needs, as well as the other purposes now in the Act, is recognized, as is the provision that each State should act to set these requirements.

The bill would renumber subsection 10(c)(4) as subsection 10(c)(5) and amend it to provide specifically for selection by the Departments of Agriculture and Health, Education, and Welfare of members for any hearing board called to consider water quality standards which have been established. HEW participation is now authorized by the Reorganization Plan No. 2 of 1966 while authorization of Agriculture would be new.

Subsection 10(c)(5), renumbered as subsection 10(c)(6), would make subject to abatement any discharge which is of lesser quality than the requirements controlling discharges, as well as the presently proscribed discharges which lower water quality below applicable standards. This will clarify the authority to abate discharge of pollutants from industrial, municipal, and other sources into already heavily polluted waters, whether or not it can be shown that the particular discharge of pollutants reduces the quality of the receiving waters if it is contrary to discharge requirements. Even though a given body of water has become badly polluted, all efforts should be taken to prevent further pollution and to restore a high standard of water quality. Another amendment would require the Secretary, after providing reasonable notice and opportunity for a hearing, to notify each alleged pollutor, state water pollution control agency and interstate agency affected, to determine whether the alleged pollutor has taken or proposes to take adequate remedial action. If such action has not been taken within the 180-day notice period now specified in the Act, the Secretary may request that the Attorney General bring

suit to abate the pollution. The bill, moreover, would delete the requirement that a Governor give his consent to court action to abate standards violations which have only intrastate effect.

A further amendment in subsection 10(c)(6) would provide that, effective 6 months after enactment of this section, the court could assess a forfeiture of up to $10,000 for each violation of the section for each day after the end of the 180-day period or at such later time that the alleged pollutor fails to take remedial action. Such forfeitures, which would be in addition to and not in lieu of other judgment and orders of the court (e.g., an injunction), will serve to induce pollutors to take remedial action before they are ordered to do so by the court. Essentially the same provision for forfeitures would be added to subsection 10(g) which concerns post-enforcement conference court action.

Subsection 10(c)(6) is deleted (1) because a new subsection 10(d) is added which provides that remedies under section 10 are cumulative and (2) to recognize the extension of Federal jurisdiction in the bill.

Subsection 10(d)(1) would be amended to authorize the Secretary to call an enforcement conference if he finds an occurrence of pollution of any water subject to the Act. Deleted is the present requirement for either (1) a request of a Governor or a water quality agency of a State other than that where the discharge is occurring, although the Secretary could still act upon State request in the case of any pollution covered by the Act, or (2) a determination by the Secretary that there is such pollution endangering health or welfare of persons in a second State or causing economic injury due to inability to market shellfish. The present unnecessarily restrictive requirements fail to recognize the overwhelming need to take prompt action to protect the public health and welfare, regardless of the circumstances of geography and jurisdiction. The present subsection 10(g) which provides for requests by the Secretary that the Attorney General bring suit, is renumbered subsection 10(f) and the requirement that the Governor's consent to such suit where the pollution does not endanger persons in a State other than where the discharge originates is deleted.

The provision in subsection 10(d)(2) for action to abate pollution which affects persons in another country is amended to delete the requirements for a report from a international agency and a request from the Secretary of State before the Secretary can act. This change will serve chiefly to expedite action against pollution inside our borders which has effects on the United States' portion of boundary waters.

The minimum of 6 months now allowed in subsection 10(e) for action by a State after the conclusion of an enforcement conference is changed to provide a minimum of either 90 days from the date the Secretary makes his recommendations for remedial action or 180 days from the conclusion of the conference, whichever period ends later.

The requirement in subsection 10(f) for a public hearing before a Hearing Board, now the second major phase in the three-phase enforcement process (conference, hearing, court action) would be deleted. It has been our experience that sufficient information is generated at the enforcement conference to provide a sound basis for State or Federal action to abate the alleged pollution.

Subsection 10(f), as revised by the bill, would authorize the Secretary to request the Attorney General to bring suit to secure abatement of the pollution, if remedial action has not been taken by the person or persons responsible for the pollution in accordance with the Secretary's recommendations within the period stated in subsection 10(e). As noted above, the requirement for the Governor's consent to the suit in the case of pollution with only intrastate effect is eliminated.

The provision in subsection 10(g) that the court consider economic feasibility in cases arising from the enforcement procedures would be eliminated but there would be other guidelines for the court's determination. As noted above, the court would be authorized to order forfeiture of up to $10,000 per violation per day, in this case starting after the period provided for in section 10(e) for remedial action or at such later time that the alleged pollutor fails to take remedial action. This should produce swifter voluntary compliance by the alleged polluter. The bill would add a new subsection 10(h) to authorize the Secretary to request the Attorney General to seek an immediate injunction where pollution presents an imminent and substantial danger to health, welfare of persons or irreparable damage to water quality or the quality of the environment generally.

The definition of "person" in subsection 10(j), redesignated as 10(l), would be broadened to include commissions and interstate bodies.

The language in the present subsection 10(k)(1) [renumbered 10(i)(1)] which would exempt a person from divulging trade secrets or secret processes is deleted but the requirement that all information be considered confidential, to the extent required by section 1905 of title 18 of the United States Code, is retained. Investigation of alleged pollution would be greatly facilitated by disclosure of information regarding the exact chemical composition of industrial and other discharges, for example. The requirement that the information be kept confidential will serve to protect the persons making such disclosure.

Extensive authority is provided in a new subsection 10(j) for the Secretary to investigate violations; compel attendance of witnesses and production of records, reports and documents; enter at reasonable times, public or private property; administer oaths; and compel compliance through court action. This authority is exercised by a number of other Federal agencies with similar regulatory authority and would prove valuable in enforcement of the provisions of the Act.

Section 4 of the bill would amend section 13 of the Act, which defines the terms used in the Act, to eliminate the reference to the State health authority in the definition of "State water pollution control agency" and redefine such an agency to mean the single State agency designated by the State as the official agency for the Act's purposes. Water quality is no longer considered solely in a public health aspect but as part of total resource management and protection of environmental quality. A definition of the "contiguous zone" is provided by reference to Article 24 of the Convention on the Territorial Sea and the contiguous zone.

This proposal, together with two others I am transmitting separately today, would carry out many of the recommendations the President made in his February 10, 1970, Message on the Environment. We strongly urge that the Congress give prompt and favorable consideration to the bill in order that the promise of a livable environment for all of our citizens may be more fully realized in the near future.

The Bureau of the Budget has advised that this proposed legislation would be in accord with the program of the President.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

THE SECRETARY OF THE TREASURY,
Washington, D.C., February 10, 1970.

HON. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a proposed bill "To establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes.

In his Budget Message to Congress, the President announced that he would seek legislation for a 5 year program providing grants to communities for the construction of sewage treatment facilities. He noted that "the major responsibility to reduce pollution rests appropriately with State and local governments and the private sector. However, the Federal Government must exert leadership and provide assistance to help meet our national goals."

In addition to Federal grants in the amount of $4 billion over the 5 year program, the President proposed a new Federal environmental financing authority to assist borrowing by State and local governments of their share ($6 billion) of the water pollution control facilities. The proposed Authority would be authorized to purchase any obligations issued by such State or local governments to finance their share of any waste treatment construction project for which the Secretary of the Interior has agreed to pay a portion of the project cost under this program, provided the Secretary certifies that the seller is unable to obtain at reasonable rates sufficient credit elsewhere to finance its needs. The Authority, in turn, would be authorized to issue its own obligations in the capital market to finance any such purchases.

To provide initial capital for the Authority, the Secretary of the Treasury would be authorized to advance to the Authority funds not to exceed $100 million. In addition, the Secretary of the Treasury would be authorized and directed to make annual payments to the Authority in amounts necessary to cover the difference between the interest costs on its obligations, and the interest receipts from State and local governments on the securities purchased.

As stated in the Budget, "the purpose of this authority is to encourage State and local participation in projects of this type without placing additional burden on congested municipal bond markets." With the proposed authority in operation, no municipality should be prevented from participating in the President's program to improve the quality of the environment by its inability to finance on reasonable terms its share of the program costs.

The Department has been advised by the Bureau of the Budget that enactment of the proposed legislation would be in accord with the program of the President.

Sincerely yours,

DAVID M. KENNEDY.

ADMINISTRATION'S ENVIRONMENTAL LEGISLATION

Mr. DOLE. Mr. President, February 10, 1970, the President sent to Congress a message on the environment in which he outlined the commitment of the Nixon administration in dealing effectively with the crisis of environmental quality in America. In 37 points the President substantiated that commitment with legislative proposals and Executive action. The legislative package is being introduced in Congress today.

As a member of the Subcommittee on Air and Water Pollution of the Senate Committee on Public Works, I applaud the President's proposals to improve our environment.

My colleagues have discussed the specific amendments and additions to existing law which these bills contain. I would at this time emphasize one aspect of the amendments. In the air and water pollution and solid waste proposals, there are provisions which, if enacted, would

expedite the procedures for abatement and control.

These modifications include shortening the time periods of abatement procedures and strengthening the authority of the Secretary to ask for injunctive relief to abate pollution. These amendments will be beneficial to all for they will insure that polluters will not be delayed in receiving a final determination of the action they will be required to take for control. Thus, the public will not suffer the undue frustration of watching pollution continue unabated.

Government is often criticized for delay and inability to take effective action. The amendments to streamline abatement and standard-setting procedures contained in this legislation would go far in cutting redtape which has inhibited past pollution control efforts.

I urge my colleagues to carefully study this legislation.

S. 3473—INTRODUCTION OF A BILL TO AUTHORIZE CERTAIN APPROPRIATIONS FOR THE COAST GUARD

Mr. MAGNUSON. Mr. President, at the request of the Department of Transportation, I introduce for appropriate reference a bill to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard. I ask unanimous consent that the bill, the letter of transmittal from the Acting Secretary of Transportation to the President of the Senate, and the accompanying memorandum be printed in the RECORD.

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

The bill (S. 3473) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, introduced by Mr. MAGNUSON (by request), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3473

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are hereby authorized to be appropriated for fiscal year 1971 for the use of the Coast Guard as follows:

Vessels

For procurement and increasing capability of vessels, $62,295,000.

A. Procurement

(1) one replacement polar icebreaker

(2) design of vessels

B. Increasing capability

(1) increase fuel capacity and improve habitability on high endurance cutters of the three hundred and twenty-seven foot class

(2) improve habitability on cutter Storis and selected buoy tenders.

Aircraft

For procurement and extension of service life of aircraft, $12,865,000.

A. Procurement

(1) six medium range helicopters

B. Extension of service life

(1) replace center wing box beam on seven HC–130 aircraft.

Construction

For establishment or development of installations and facilities by acquisition, construction, conversion, extension, or installation of permanent or temporary public works, including the preparation of sites and furnishing of appurtenances, utilities, and equipment for the following, $24,840,000.

(1) San Francisco, California: complete radio station construction;

(2) Washington and Oregon: relocate and improve communications facilities;

(3) Portsmouth, Virginia: consolidate and improve facilities;

(4) Neah Bay, Washington: improve station facilities;

(5) Barnegat, New Jersey: improve station facilities;

(6) Barbers Point, Hawaii: improve air station facilities;

(7) Governor's Island, New York: improve base facilities;

(8) Western Long Island, Connecticut and New York: improve station facilities;

(9) Curtis Bay, Maryland: modernize and replace Yard equipment and utilities;

(10) Various locations: transportable pollution control equipment;

(11) Various locations: aids to navigation projects on selected waterways;

(12) Various locations: automate light stations;

(13) Various locations: modernize LORAN–C equipment;

(14) Various locations: modernize LORAN–A equipment;

(15) Alaska: improve and rehabilitate selected loran stations;

(16) Various locations: public family quarters; and

(17) Various locations: advance planning, survey, design, and architectural services; project administration costs; acquire sites in connection with projects not otherwise authorized by law.

The letter and memorandum, presented by Mr. MAGNUSON, are as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., February 2, 1970.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a bill, "To authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard."

This proposal is submitted under the requirements of Public Law 88–45 which provides that no funds can be appropriated to or for the use of the Coast Guard for the procurement of vessels or aircraft or the construction of shore or offshore establishments unless the appropriation of such funds is authorized by legislation.

The proposal includes, as it has previously, all items of acquisition, construction, and improvement programs for the Coast Guard to be undertaken in fiscal year 1971 even though the provisions of Public Law 88–45 appear to require authorization only for major facilities and construction. Inclusion of all items avoids the necessity for arbitrary separation of these programs into two parts with only one portion requiring authorization.

Not all items, particularly those involving construction, are itemized. For example, those involving navigational aids, light station automation, public family quarters, and advanced planning projects contain many different particulars the inclusion of which would have unduly lengthened the bill.

There is attached a memorandum listing in summary form the procurement and construction programs for which appropriations would be authorized by the proposed bill. In further support of the legislation, the cognizant legislative committees will be furnished detailed information with respect to each program for which fund authorization is being requested in a form identical to that which will be submitted in explanation and justification of the budget request. Additionally, the Department will be prepared to submit any other data that the committees or their staffs may require.

It would be appreciated if you would lay this proposal before the Senate. A similar proposal has been submitted to the Speaker of the House of Representatives.

The Bureau of the Budget has advised that enactment of this proposed legislation is in accord with the President's program.

Sincerely,

JAMES M. BEGGS,
Acting Secretary.

MEMORANDUM SUMMARY OF FISCAL YEAR 1971

U.S. Coast Guard Program for Procurement of Vessels and Aircraft and for Construction of Shore and Offshore Establishments:

VESSELS

For procurement and increasing capability of vessels:

A. Procurement:	
(1) One replacement polar icebreaker	$59,000,000
(2) Design of vessels	150,000
B. Increasing capability	
(1) Increase fuel capacity, rearrange living and work spaces, improve air conditioning on 327-ft. high endurance cutters	2,150,000
(2) New generators and air conditioning on three seagoing tenders; enlarge berthing, air conditioning on one costal tender	820,000
(3) Enlarge berthing, extend deckhouse and renovations on CGC *Storis*	175,000
Total vessels	62,295,000

AIRCRAFT

For procurement and extension of service life of aircraft:

A. Procurement:	
(1) Six medium range helicopters	$12,050,000
B. Extension of service life:	
(1) Replace center wing box beam on seven HC–130 aircraft	815,000
Total aircraft	12,865,000

CONSTRUCTION

For establishment or development of installations and facilities by acquisition, construction, conversion, extension, or installation of permanent or temporary public works, including site preparation and furnishing of appurtenances, utilities, and equipment for the following:

(1) San Francisco, Calif.: complete radio station construction at Point Reyes/Bolinas. Specifically, completion involves procurement and installation of additional electronic equipment	$780,000
(2) Washington and Oregon: transfer Westport, Wash., radio station functions to Astoria, Oreg., and Port Angeles, Wash., air stations; Fort Stevens and Bahokus Peak site development, equipment procurement and installation	230,000
(3) Portsmouth, Va.: start construction of consolidated facility; site preparation, waterfront development, utilities and roadway	4,600,000
(4) Neah Bay, Wash.: construct new stationhouse and boathouse, waterfront facilities	750,000

(5) Barnegat, N.J.: construct station building, waterfront facilities	$500,000
(6) Barbers Point, Hawaii: install hangar fire protection system, modify hangar doors, procure additional equipment at air station	215,000
(7) Governor's Island, N.Y.: improve electrical distribution system at base	190,000
(8) Western Long Island, Conn., and N.Y.: make station improvements at New Haven, and Fort Totten and Eaton's Neck, N.Y	410,000
(9) Curtis Bay, Md.: modernize cranes and utilities, secondary sewage treatment connections at yard	1,400,000
(10) Various locations: procure packaged pumping/storage equipment for air transport, drop, and at site use to avoid oil pollution spills from damaged vessels	1,390,000
(11) Various locations: aids to navigation projects on selected waterways	1,760,000
(12) Various locations: automate light stations	615,000
(13) Various locations: replace first and second generation Loran-C equipment	2,275,000
(14) Various locations: replace overage Loran-A electronics equipment	2,375,000
(15) Alaska: improve and rehabilitate loran stations at Cape Sarichef, Biorka Island, and Ocean Cape; replace loran tower guy insulator pins at Port Clarence	900,000
(16) Various locations: public family quarters	2,750,000
(17) Various locations:	
(a) Advance planning, survey, design and architectural services, site acquisitions	850,000
(b) Various project administration costs	2,850,000
Total construction	24,840,000

S. 3474—INTRODUCTION OF HIGHER EDUCATION AMENDMENTS OF 1970

Mr. PELL. Mr. President, in behalf of Senators YARBOROUGH, RANDOLPH, WILLIAMS of New Jersey, KENNEDY, NELSON, MONDALE, EAGLETON, CRANSTON, HUGHES, and myself, I send to the desk for appropriate referral a bill to amend the Higher Education Act of 1965, the National Defense Education Act of 1958, the Higher Education Facilities Act of 1963, and the International Education Act of 1966.

This measure is a simple extension of the many higher education programs which are authorized through fiscal 1971. In light of the dire need for forward funding which allows the educational agencies to meaningfully plan ahead, the Subcommittee on Education of the Senate Committee on Labor and Public Welfare has started to hold hearings on the question of higher education so that a complete higher education package including, but not limited to, college construction, financing, junior colleges, and international education can be enacted before the end of this session of Congress. I only hope that the administration will soon have its higher education proposals ready for our consideration.

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

The bill (S. 3474) to amend the Higher Education Act of 1965, the National Defense Education Act of 1958, the Higher Education Facilities Act of 1963, the International Education Act of 1966, and for other purposes, introduced by Mr. PELL (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

ADDITIONAL COSPONSORS OF BILLS

S. 2951

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Indiana (Mr. HARTKE), I ask unanimous consent that, at the next printing, the name of the Senator from Connecticut (Mr. DODD) be added as a cosponsor of the bill (S. 2951) to amend part I of the Interstate Commerce Act by the addition of a new section 13b so as to set forth the duty of railroads operating intercity passenger trains to provide and furnish reasonably adequate service and to authorize the Commission to establish and enforce standards of reasonably adequate service, and for other purposes.

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

S. 3443

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Illinois (Mr. SMITH) be added as a cosponsor of S. 3443, the "Health Services Improvement Act of 1970."

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

SENATE RESOLUTION 358—RESOLUTION REPORTED AUTHORIZING THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO EXPEND ADDITIONAL FUNDS FROM THE CONTINGENT FUND OF THE SENATE

Mr. JACKSON, from the Committee on Interior and Insular Affairs, reported the following original resolution (S. Res. 358); which was referred to the Committee on Rules and Administration:

S. RES. 358

Resolved, That the Committee on Interior and Insular Affairs is hereby authorized to expend from the contingent fund of the Senate, during the Ninety-first Congress, $15,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

SENATE RESOLUTION 359—SUBMISSION OF A RESOLUTION RELATING TO CREATION OF A SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

Mr. MONDALE (for himself, Mr. JAVITS, Mr. BAYH, Mr. BROOKE, Mr. CASE, Mr. CRANSTON, Mr. HARRIS, Mr. MCGEE, Mr. PACKWOOD, and Mr. YOUNG of Ohio) submitted a resolution (S. Res. 359) to create a Select Committee on Equal Educational Opportunity, which was ordered to lie on the table.

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

EXTENSION OF PROVISIONS OF THE CLEAN AIR ACT—AMENDMENTS

AMENDMENT NO. 501

Mr. MONTOYA. Mr. President, in recent months we have all become aware of a growing controversy over the lead in gasoline.

Tetraethyl was first introduced in gasoline in the 1920's because it was then the only known way to increase octane levels. Since that time we have learned that 60 percent of the air pollution in this country is created by the automobile, and approximately 250 million pounds of this pollution per year is in the form of lead particles.

All available evidence indicates that lead in fuel is a major contribution to our critical pollution problem. Recent figures show that each gallon of gas contains about four grams of lead. Approximately 700 million pounds of lead is sold to Americans each year. About 70 percent of lead in gas is issued from the automobiles' exhaust pipes, and about one-half that amount becomes a part of the air we breathe.

The amount of lead in the air has been increasing by leaps and bounds every year.

While we do not yet know the exact effect of lead on the human lungs—and large amounts of lead particles are being breathed in by each individual—preliminary studies have indicated severe damage to this vital organ. In fact, the lead we breathe invades almost every part of the human body.

Mr. President, we can wait no longer in taking steps to significantly reduce the level of this major pollutant in our air.

I am today offering an amendment to the Air Quality Improvement Act, S. 3229, to grant the Secretary of Health, Education, and Welfare authority to set standards on the composition of fuels and to prescribe rules and regulations to prevent the manufacture, processing for use, and importation of fuels not meeting the standards.

Under the provisions of S. 3229, the Secretary is granted authority to set standards regarding emission "of any kind of substance" from any vehicle which might contribute to air pollution. In the future, such standards cannot be complied with unless we remove lead from gasoline. Furthermore, authorities agree that future pollution control devices to eliminate automobile exhaust pollutants will not work unless lead is eliminated from gasoline.

Mr. President, the Department of Health, Education, and Welfare and the Department of Commerce have been studying the problem of leaded gasoline for some time. General Motors, Ford, and Chrysler have all indicated a desire to build engines which can operate on unleaded gasoline, and all three manufacturers have called on the oil companies to cooperate in removing lead from

gasoline. General Motors is now in the process of redesigning its car engines and will probably have its new engines ready for the 1971 models.

Major oil companies have been holding talks with the automobile manufacturers in a joint effort aimed at removing lead from gasoline. Several oil companies have now been making plans to introduce lead-free gasoline to operate in large-engine cars. One major company has been marketing lead-free fuel for a number of years.

I am gratified that those companies responsible for leaded gas have taken the lead in eliminating this pollutant. I think we can best proceed in this matter with the assistance and cooperation of these industries. For this reason my amendment states that the Secretary shall set standards regarding fuel composition "as soon as practicable." This provision will permit the Government and the industries sufficient time to solve the economic problems which will be brought on as a result of a change in the present standards.

I believe that effective standards and a reasonable timetable for their establishment can be worked out to the mutual satisfaction of all interested parties. But I believe it is crucial that we take the first step without further delay to provide for the setting of such standards. The future health and welfare of our Nation is at stake, and I urge the Senate to accept the amendment I am today offering.

Mr. President, I ask unanimous consent that the text of my amendment be printed in the RECORD at this point.

The PRESIDING OFFICER. The amendments will be received and printed, and will be appropriately referred; and, without objection, the amendments will be printed in the RECORD.

The amendment (No. 501) was referred to the Committee on Public Works, as follows:

On page 13 between lines 7 and 8 insert the following:

"ESTABLISHMENT OF STANDARDS FOR FUELS

"SEC. 211. (a) The Secretary shall, as soon as practicable, prescribe (1) such standards with respect to the composition of fuels of all types as are necessary to protect the public health and welfare and carry out the policy of this Act, (2) such rules and regulations as are necessary to prevent the manufacture or processing for use in the United States of fuels not meeting such standards, and (3) after consultation with the Secretary of the Treasury, such rules and regulations as are necessary to prevent the importation into the United States of fuels not meeting such standards. Included with such standards shall be specific methods by which fuels shall be tested by the Secretary to determine if they conform to such standards.

"(b) Any person who violates any provision of rules and regulations prescribed pursuant to this section shall be subject to a fine of not more than $1000. Each day on which any such violation occurs shall constitute a separate offense.

"(c) All action taken under this section in prescribing standards, rules and regulations shall be taken in conformity with the provisions of title 5, United States Code, relating to administrative procedure.

"On pages 13 through 17, redesignate sections 211 through 213 as section 212 through 214, respectively."

EXTENSION AND IMPROVEMENT OF FEDERAL-STATE UNEMPLOYMENT COMPENSATION PROGRAM; AMENDMENTS

AMENDMENT NO. 502

Mr. McCARTHY. Mr. President, I submit an amendment intended to be proposed by me to H.R. 14705, the bill to extend and improve the Federal-State unemployment compensation program.

In the 89th Congress the House of Representatives passed a bill to broaden and improve the unemployment compensation program. One of the major provisions of that bill would have established a permanent extended benefit program to provide additional 13 weeks of unemployment compensation payments to unemployed workers who had exhausted their regular weekly benefits. The provision was designed to become effective automatically when unemployment had risen to a certain level specified in the bill. The program would have been paid for equally by the Federal Government and by the States.

The Senate amended the House bill in 1966 to provide that the Federal Government would bear the full cost of the extended benefit program, as well as to provide other provisions relating to certain minimum Federal benefit standards. The conference committee failed to reach agreement on the bill and the 89th Congress adjourned without enactment of a bill to improve the unemployment compensation systems.

Now the Committee on Finance has pending before it another House-passed unemployment compensation bill, H.R. 14705. This bill is similar in most respects to the bill that passed the House in 1965. It again provides that the extended benefit program would be funded half by the Federal Government and half by the States. The amendment I am introducing today provides for full Federal funding. It is virtually the same amendment as was passed by the Senate in the 89th Congress.

The conditions which bring about higher rates of unemployment during a recession represent a national problem, and there is a national responsibility to meet them.

Originally, the present administration proposed that this program be 100 percent federally financed, although in his statement to the Finance Committee recently, Secretary Schultz stated that the House bill is acceptable to the administration.

I ask unanimous consent that the testimony of Secretary Schultz on the Federal-State extended benefit program be printed in the RECORD.

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

EXCERPTS FROM THE STATEMENT OF THE HONORABLE GEORGE P. SHULTZ, SECRETARY OF LABOR, TO THE COMMITTEE ON FINANCE, FEBRUARY 5, 1970

FEDERAL-STATE EXTENDED BENEFIT PROGRAM

High national unemployment is attributable to national factors, and the Administration proposed a national remedy—a Federal program of extended unemployment compensation in times of high national unemployment. The program would be 100 percent Federally financed—but operated by States as agents of the Federal Government and utilizing provisions of State law.

H.R. 14705, on the other hand, would establish a Federal-State program of extended benefits. The program would be triggered into operation in all States by a national insured unemployemnt rate of 4.5 percent for 3 consecutive months. It would be triggered into operation in an individual State by a State insured unemployment rate for any consecutive 13-week period which was 20 percent higher than the average for the same period in the 2 prior years, and at least 4 percent. It would have to be in effect in every State by January 1, 1972, and could be put into effect earlier on an individual State basis.

Each State would pay half the cost of extended benefits in that State, and the Federal Government would pay the other half. Both proposals provide for a 50 percent extension of benefit duration for workers who exhaust their regular benefits.

The House action is acceptable to the Administration. It should be noted, however, that the House-passed program does not have to be in effect in all States until January 1, 1972, in order to give State legislatures time to act. This Committee may wish to consider filling this gap by a temporary national program.

Mr. McCARTHY. Mr. President, in my judgment the Senate ought to approve the same effective and equitable program as it did in 1966, and the amendment I am introducing today would provide it. Of course, if this amendment for a fully funded Federal program is adopted, it will involve some adjustment in the Federal unemployment tax rate and the taxable base.

The PRESIDING OFFICER. The amendments will be received, and printed, and will be appropriately referred.

The amendments (No. 502) were referred to the Committee on Finance.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Carl H. Slayback, of Illinois, to be U.S. marshal for the southern district of Illinois for the term of 4 years, vice James J. Moos, resigned.

Arthur F. Van Court, of California, to be U.S. marshal for the eastern district of California for the term of 4 years, vice John C. Begovich.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Wednesday, February 25, 1970, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

SAFETY DEVICES ON HOUSEHOLD REFRIGERATORS — SUBMISSION OF VIEWS ON S. 3204

Mr. MAGNUSON. Mr. President, S. 3204, a bill to amend the act entitled "An Act to require certain safety devices on

household refrigerators shipped in interstate commerce" (70 Stat. 953; 15 U.S.C. 1211) has been referred to the Committee on Commerce and is now under consideration.

S. 3204 would extend the coverage of existing law from refrigerators to home freezers and refrigerator-freezer combinations and would also empower the Secretary of Commerce to set performance standards for safety devices protecting children against entrapment in refrigerators and freezers.

Any person or organization interested in S. 3204 should submit their views to the committee prior to the first of March, 1970.

TEXTILE IMPORTS

Mr. PASTORE. Mr. President, on several occasions I have spoken on the floor of the Senate of the crisis which confronts the American textile industry as a result of the flood of imports from Japan and other nations of the world. American jobs are at stake.

I thought my colleagues would be interested in the rebuttal prepared by the presidents of four apparel and textile unions in response to the speech on textile imports of Senator JAVITS on February 10.

I ask unanimous consent that the statement of Jacob S. Potofsky, president, Amalgamated Clothing Workers of America; William Pollock, president, Textile Workers Union of America; Louis Stulberg, president, International Ladies' Garment Workers' Union; and George Baldanzi, president, United Textile Workers of America; be printed in the RECORD.

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

STATEMENT SIGNED BY PRESIDENTS OF FOUR APPAREL AND TEXTILE UNIONS IN RESPONSE TO SPEECH BY SENATOR JAVITS, FEBRUARY 10, 1970

We are shocked and dismayed at Senator Javits' suggestions.

He suggests that the United States moderate its negotiating posture, as though the United States has not already moderated its position several times in the past, and still been met by almost total Japanese intransigence every time.

He suggests that the President appoint a fact-finding committee—in total ignorance of the fact that several Executive agencies as well as Congressional Committees have already studied the situation.

Finally, he urges an agreement that is limited to only a few products, ignoring the fact that the flood of imports has been spreading to more items and threatening more jobs. Such a policy would affect not only the textile mills in the Carolinas and throughout the South, but the textile mills and apparel plants in his own state of New York. This industry offers New York its largest source of employment for the unskilled, for women, for members of minority groups. How many more of our workers have to lose their jobs before Senator Javits sees the light and deals with realities and not abstractions?

The Senator's speech echoes the interests of the importers while ignoring the interests of the hundreds of thousands of apparel and textile workers in his own state.

JACOB S. POTOFSKY,
President, Amalgamated Clothing Workers of America.

WILLIAM POLLOCK,
President, Textile Workers Union of America.

LOUIS STULBERG,
President, International Ladies' Garment Workers Union.

GEORGE BALDANZI,
President, United Textile Workers of America.

AIR FORCE DOCTOR

Mr. DOLE. Mr. President, much has been made recently of the casualties suffered by the South Vietnamese civilians as a result of U.S. combat operations, although there is some question of the accuracy of some casualty figures which have been asserted. The unfortunate fact is that civilian injuries and deaths are inevitable in any combat theatre, but in Vietnam, the matter is more complex and less capable reduction to hard and fast statistics than many of our past wartime situations. Not only is it difficult to distinguish civilian and soldier, but Vietcong guerrilla actions make it almost impossible to know friendly civilians from the enemy. I believe U.S. forces have made a commendable effort to minister to the needs of the civilian population, especially through rural pacification programs.

The difficulties our forces face and the dedication they apply to the task of achieving peace in Vietnam was brought home to me by an article in the Wichita Eagle and Beacon, of February 1, 1970. The article describes the experiences of a Kansas doctor, Dr. Jerold D. Albright, who is serving with the Air Force in Vietnam. Captain Albright works in a provincial hospital near Ca Mau treating a population of approximately 180,000. He is the only surgeon in the province.

The dangers to which he is exposed and the compassion which marks his response to the uncertainties and difficulties of his job are compellingly portrayed in this story, and I ask unanimous consent that the article be printed in the RECORD at this point.

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

[From the Wichita Eagle-Beacon, Feb. 1, 1970]

HANDS REACH BEYOND WAR: KANSAS DOCTOR TREATS HIS ENEMY

HAVEN, KANS.—An Air Force doctor from Haven, who is stationed in Vietnam, treated a young Vietnamese girl whose hands had been blown off, then learned she had been wounded while fusing a bomb to kill him.

The Air Force said the girl's aunt brought her to Capt. Jerold D. Albright, son of Mr. and Mrs. E. V. Albright, Haven, at Ca Mau province hospital in the southern Mekong Delta.

Her hands had been blown off at the wrists. Albright cleaned the wounds, stopped the bleeding and bandaged the stumps.

Later the girl told officials she was helping her aunt, a Viet Cong, build a bomb from plastic explosives when it went off. The bomb was to be placed under the seat of the doctor's jeep, she said.

Dr. Albright's parents said he has been in Vietnam a little more than seven months and is scheduled to be discharged in June.

"It didn't seem quite so far away until this happened," said his mother, an elementary school teacher at Mount Hope. "He writes fairly often, but he doesn't say much about the dangers. He's in one of the areas where they removed quite a few troops and they don't have much protection.

"He told us when he first got there that the hospital was very crowded with at least two in every bed, because one wing had been blown off before he got there."

Dr. Albright is part of a Military Provincial Hospital Assistance Program (MILPHAP) team which works at the provincial hospital outside the city of Ca Mau, she said.

The team, which Dr. Albright heads as the only surgeon, is made up of two or three doctors and about three medical corpsmen, she said.

She described their job as teaching native doctors and nurses modern medical concepts and assisting in the care of the Vietnamese in the province, which has a population of about 180,000.

"He's never written much about the danger, but he writes occasionally about the great amount of time he spends in surgery," Mrs. Albright said. "In fact, in the letter we got yesterday, he was telling of spending 2½ hours in surgery repairing a woman, who had got caught in a mine explosion.

"He mentioned when he first went there that the province and the way people lived, the lack of conveniences and so forth would be about like going back 200 years or more in this country. The only electricity the province has is what the hospital produces on its own generators."

After Dr. Albright learned the girl he had treated was involved in a plot against his life, he was quoted as saying: "If the Viet Cong are so interested in getting rid of me, it must mean our medical efforts in the area are helping turn the local population against the VC. It also indicates to me that even the enemy has confidence in our medical care."

His mother said his letters had expressed happiness at the fact that he felt their MIL PHAP team was being accepted by the people.

"He has remarked several times that he felt good about the way the people were accepting their work, because earlier reports were that they didn't have much confidence in them and wouldn't cooperate," she said. "Each team has gained their confidence a little more.

"He's been invited into several homes there, and even had tea with a Buddhist monk at his pagoda. He felt real good about this because it meant the people were accepting him."

Dr. Albright is a graduate of University of Kansas. He is married and has two children who live in Overland Park, Kan. His brother, a dentist, is stationed at Kirtland Air Force Base, N.M. A sister, Jolene, is a junior at Kansas State Teachers College, Emporia.

Dr. Albright's father is a teacher at Haven High School.

DEFENDING THE UNITED STATES IN THE SEVENTIES

Mr. DODD. Mr. President, recently, I came across a quotation from the speech which President John F. Kennedy took to Dallas with him on November 22, 1963, but which he was prevented from delivering by an assassin's bullet. This is what President Kennedy said:

Our adversaries have not abandoned their ambitions, our dangers have not diminished, our vigil cannot be relaxed.

I decided to take this quotation as the theme of a recent speech before the national security dinner of the American Legion Auxiliary in Hartford, because President Kennedy's dying admonition was never more needed than it is today.

Members of Congress who are concerned with national defense have for

several years now been worried about the continuing Soviet military buildup, about their growing strength in all areas, and their marked superiority in ecrtain critical areas. When all the bits and pieces are added together, the situation becomes frightening indeed.

Here are just a few of the points I tried to make in this speech:

First. The Soviets have more submarines than all the NATO nations combined. In addition to their 100 missile-firing submarines, they have 250 attack submarines, against 125 attack submarines for the U.S. Navy.

Second. The Soviets are far ahead of us in the application of surface-to-surface missiles to naval technology. Whereas the United States is just now beginning to get such missiles aboard its own vessels, the Soviet Union has 25 major warships equipped with such missiles, a large fleet of new destroyers, and 150 missile-armed patrol boats.

Third. The number of vessels of the U.S. Navy is static or declining. The number of vessels in the Soviet navy is growing at a frightening rate, including vessels of all kinds. Most of our Navy dates back to World War II. The Soviet navy, on the other hand, is spanking new.

There has been a dramatic growth of the Soviet merchant fleet and an equally dramatic decline of the American Merchant Marine. Since World War II, the United States has fallen back from first place to fifth place in terms of maritime tonnage; the Soviet Union, starting from almost scratch, has nearly pulled level with us and is building new ships at a rate which will make it the No. 1 maritime power before the close of the decade. At the end of 1968, we had only 51 merchant ships on order while the Soviets had 456 on order. Four out of five U.S. fleet vessels are of World War II vintage or older, while four out of five Russian merchant ships are less than 10 years old.

Fourth. There are serious evidences that the Soviets are far ahead of us in aircraft technology. At the 1967 Moscow air show, they displayed a flight of seven Foxbat fighter planes. This plane was estimated to have a speed of over 2,000 miles per hour and to be far ahead of anything we will be able to field for another 5 years or more.

Fifth. Our ICBM strength has been frozen at the arbitrary figure of 1,054 since July 1966. During this time, Soviet ICBM strength has risen from 250 to 1,350. The Soviet missile buildup continues at a frightening rate, with a growing force of the giant SS–9 missiles.

Mr. President, at the time I spoke, the figure 1,350 was the most current estimate of Soviet ICBM strength. Within the last few days, however, an item has appeared in the press indicating that Soviet ICBM strength is probably now approaching a total of 1,500 against our 1,054 land-based ICBM's.

According to this latest article, our intelligence has only recently confirmed that the Soviets have been placing SS–11 missiles, with a 6,000 miles or more range, in firing complexes that, heretofore, contained only medium-range missiles pointed at Western Europe.

I ask unanimous consent to have printed in the RECORD the full text of the speech as it was delivered in Hartford.

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

DEFENDING THE UNITED STATES IN THE SEVENTIES

(By Senator THOMAS J. DODD)

On November 22, 1963, President John F. Kennedy left for Dallas where he was scheduled to deliever a speech. In the text which he had prepared for delivery were these prophetic words:

"Our adversaries have not abandoned their ambitions, our dangers have not diminished, our vigil cannot be relaxed."

These words were never spoken because John F. Kennedy was cut down by an assassin's bullet on the way to his scheduled speech. And in the agony and excitement of the assassination and the events that followed it, the press completely ignored what President Kennedy had intended to say.

This is a great pity, because in a sense the warning he intended to address to his fellow countrymen on this occasion was President Kennedy's dying legacy to the American people.

Today, millions of our countrymen, out of naivete and good intentions and innocent ignorance, appear to have turned their backs on President Kennedy's warning.

They appear to believe that our adversaries *have* in fact abandoned their ambitions; that our dangers *have* diminished; and that we not only can afford to relax our vigil, but that we must cut back drastically on our defense establishment.

We are told that the Communism of today is not the same as the Communism of yesterday; that the Soviet Union has given us many evidences of its desire for peaceful coexistence; that the cold war is disappearing and that it is being replaced by a detente, or thaw, between the free world and the Communist world.

I am not opposed to a detente. In fact, I yield to no man in the belief that the achievement of a true detente, involving a total cessation of cold war activities and controlled disarmament on both sides, should be a prime objective of our foreign policy.

I also believe that we must be prepared to walk the extra mile and more in the difficult quest for peace; that we must explore to the limit every possibility of achieving agreements with the Soviet Union on arms control and on other matters.

I nevertheless fear that the coming decade will be one of grave and recurring crises.

It will be an era during which the Soviets will continue to expand their challange to the free world and to extend their power and their influence in North and Central Africa, in Latin America and in Asia, and during which the massive Soviet missile and arms buildup of recent years will continue.

Those who say that there is a detente and who urge us to further cut back in our defense establishment in the expectation that the Soviets will follow our example, are simply ignoring the facts of recent years.

After President Kennedy's death, some of our leading ivory tower scientists were able to win Secretary of Defense McNamara over to their side. As a result, we closed down our nuclear weapons reactors; we froze the number of our ICBM's at 1,054; we froze the number of our Polaris submarines at 41; we decided not to proceed with a new heavy bomber; and we refrained until last year from deploying a ballistic missile defense system.

Politically, the Soviet Union has responded to our strategic weapons freeze of the past five years by supporting a leftist takeover in Yemen; by arming the Arab extremists and inciting the Mideast war of 1967; by invading and subjugating Czechoslovakia; by promulgating the Brezhnev Doctrine, under which they claimed the right to intervene in any so-called socialist country; and by encouraging and arming Hanoi in its war of aggression against South Vietnam.

Militarily, the Kremlin has responded to our demonstrations of restraint by a massive across-the-board buildup in military strength, especially in their strategic weapons systems.

Let me give you a few facts about the Soviet military buildup.

THE SOVIET MILITARY BUILDUP

Three and a half years ago, in July, 1966, when we decided to freeze our ICBM strength at the arbitrary figure of 1,054, the Soviet Union had 250 ICBM's.

In mid-1969, according to hard intelligence provided by our satellite reconnaissance system, the U.S.S.R. had 1,350 ICBM's.

In the mid-60's the prediction was made by some of our ivory tower scientists that the Soviets only desired to achieve missile parity with us. Once they achieved parity, we were told, they would close down their assembly lines and we would have a stable situation which would set the stage for more meaningful talks on arms limitation.

The ivory tower scientists were wrong in this estimate, as they were in almost every other estimate.

The Soviet missile assembly lines have continued to operate at the same frightening tempo. And simple arithmetic points to the conclusion that if the Soviets continue to produce ICBM's at the 1966 to 1969 rate, they will by 1973 have 2,500 ICBM's against our 1,054.

The situation is rendered even more frightening by the fact that, included in the Soviet missile buildup, is a growing force of the giant SS–9 missile, which carries a ten-megaton warhead.

Ten megatons is five hundred times as powerful as the Hiroshima bomb. A warhead this size simply makes no sense as a retaliatory weapon directed against cities. But it does make sense as a first-strike weapon because it would be powerful enough to knock out even the most massively hardened missile silos.

The Soviet land forces, needless to say, are far larger than our own and they are superbly equipped.

The United States Navy overall is still the most powerful in the world. But the Soviet Union has in recent years mounted a formidable challenge to our naval supremacy. And in certain critical areas of naval strength they are substantially ahead of us.

The Soviets have more submarines than all of the NATO nations combined. In addition to their 100 missile-firing submarines, they have 250 attack submarines, against 125 attack submarines for the U.S. Navy. While their older missile-firing submarines cannot compare with the Polaris, they have for some time now been building Polaris-type submarines, and, according to Admiral Rickover, they now have the capability to produce such submarines at the rate of ten to twelve a year.

Apart from a number of aircraft carriers and our nuclear submarines, almost all of our navy dates back to World War II. The Soviet navy, comparatively speaking, is spanking new.

In their new surface vessels the Soviets have been concentrating on surface-to-surface missiles which far outrange the heaviest guns on American warships. Whereas the United States is just now beginning to get such missiles aboard its own vessels, the Soviet Union is reported to have 25 major warships equipped with surface-to-surface missiles of 450-mile range. In addition, they have a large fleet of new destroyers and 150 missile-armed patrol boats. About the latter it has been said that "never before has so much power been packed in so small a craft."

The Soviets have further beefed up their

offensive naval capability by adding helicopter carriers to their fleet, by building large numbers of modern landing craft, and by deploying naval vessels carrying naval infantry, or marine, contingents.

The Soviet's growing naval strength has been coupled with growing aggressiveness and belligerency. Apart from the large Soviet task force which operates in the Mediterranean, Soviet naval squadrons have in recent years engaged in fleet exercises in the Pacific, Atlantic, and Indian Oceans and recently they even sailed the English Channel. They not only shadow NATO naval maneuvers, but they seek to disrupt them by plowing recklessly into our formations, cutting across the bows of our ships, and sometimes steaming on collision courses.

This development is all the more ominous when one remembers that the Soviet Union is a land empire whose naval requirements, if it were thinking in terms of defense only, should be very limited. The United States, in contradistinction, is the leader of an ocean community of free nations, all of whom depend for survival on freedom of the seas.

The menace posed by the rapid expansion of the Soviet naval power is compounded by the dramatic growth of the Soviet merchant fleet and the equally dramatic decline of the American merchant marine.

At the end of World War II, the United States was incomparably the world's first maritime power, while the Soviet Union ranked close to the bottom. Today, the United States has fallen back to fifth rank in terms of maritime tonnage; and the Soviet Union has almost pulled level with us and is building new ships at a rate which will give it the largest merchant fleet in the world before the close of this decade.

As a ship-building nation, the great United States has now fallen back to fourteenth place. At the end of 1968, we had only 51 merchant ships on order while the Soviets had 456 on order.

Moreover, four out of five U.S. flag vessels are of World War II vintage or older, while four out of five Russian merchant ships are less than ten years old.

Our aerial supremacy may also be open to challenge in the very near future because we have been so laggard in the technological race.

Our last production-bomber, the B–58, was born during the 1950's. The B–70, which was successfully flown as a prototype in 1961, never got as far as the production line because of Secretary McNamara's freeze on bomber development. Part of the justification for this freeze was the assumption that the Soviets had also put a freeze on bomber development because they recognized that bombers were outdated. But in recent months there has come the news that an advanced Soviet bomber, the Tupelov, has taken to the air; and now there is understandable concern in the ranks of our experts.

The most serious news for our own air force, however, was the appearance in the 1967 Moscow air show of a flight of seven Soviet Foxbat fighter planes. The speed of the Foxbat was astonishing. It was estimated at over 2,000 miles an hour, which is substantially in excess of the speed of our best fighters. It was also extremely maneuverable. Not only do we not have anything that can match the Foxbat today, but it is estimated that it may take as much as another five to seven years before we can match it.

To those Americans who take it for granted that our military power is unchallengeable, these facts about the growing Soviet military challenge may come as a shock.

As of this moment, I believe that we still have an adequate defense establishment. But if present trends continue on both sides, the time is not too far distant when our establishment will be less than adequate.

Such a situation would be fraught with extreme peril, because it would reduce our ablity to keep the peace and encourage the Soviets to play the dangerous game of political blackmail.

There are a few essential things that have to be done.

First, we must embark on a long overdue program to renovate our naval forces.

Second, we must strive to rebuild our merchant marine, and again make it first in strength and first in quality. Apart from the danger that it poses for our national defense, it simply makes no sense that the United States, the greatest trading nation in the world, should see 95 per cent of its commerce carried in foreign vessels and that it should each year pay out one billion dollars in precious foreign exchange to foreign ship owners.

We must, in every sphere, mobilize our technology and place greater emphasis on research and development.

We do not have to try to match the Soviet Union man-for-man and weapon-for-weapon. But we can and must try to keep ahead of the Soviet Union in the critical field of technology.

If it mobilizes on an all-out basis, American technology is far more than a match for the Soviets.

The problem of keeping ahead of the Soviet Union technologically, moreover, does not involve spending more money. In fact, in the long run it will save us money. Basically, the problem is one of eliminating red tape, of removing the artificial restrictions which have in recent years slowed down defense research, and of introducing the sound administrative and business practices for which our country is justly noted.

But above all, we must open our eyes to the facts. And whenever we find ourselves prone to engage in wishful thinking, we should remind ourselves of President Kennedy's dying admonition:

"Our adversaries have not abandoned their ambitions, our dangers have not diminished, our vigil cannot be relaxed."

The preservation of the peace in the decade on which we are now entering may very well depend on how faithfully we observe this admonition.

Mr. DODD. I also ask unanimous consent to have printed into the RECORD an article entitled "U.S. Satellites Detect Soviet ICBM's in Medium-Range Missile Complexes," which appeared in the New York Times of February 11, 1970.

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

[From the New York Times, Feb. 11, 1970]

U.S. SATELLITES DETECT SOVIET ICBM'S IN MEDIUM-RANGE MISSLE COMPLEXES

(By William Beecher)

WASHINGTON, February 10.—The Soviet Union has started to deploy its principal long-range missile in complexes that previously consisted only medium-range missiles pointed at Western Europe, according to well placed United States Government sources.

About 75 SS–11 intercontinental ballistic missiles have been installed in two places in southwestern Russia, apart from other long-range missile sites, the sources say.

Nixon Administration officials are debating the possible implications of this puzzling development.

The SS–11 is generally comparable to the American Minuteman missile in that it can carry a one megaton warhead 6,000 miles or more. But it is being emplaced in firing complexes that heretofore have housed missiles with ranges of 1,000 miles to 2,000 miles.

A debate, involving officials in key government agencies, offers explanations ranging from efficiency and economy to strategic considerations.

The main schools of thought appear to be the following:

Many of the 700 Soviet medium-range missiles are not well protected against surprise attack. Substituting the tested and relatively cheap SS–11 liquid-fuel missile, with its steel and concrete silo, would be less expensive and more effective than designing a wholly new medium-range missile.

By installing the SS–11's which could be used against close-in target's in Europe or long-range targets in the United States, the Russians would achieve a flexible dual-capability weapons system.

The Russians may have hoped to slip some long-range missiles into medium-range sites undetected, thus achieving an advantage if current arms control talks were limited to "known" long-range missile sites.

CLASSIFICATION REVIEWED

So far the intelligence community lists these SS–11's as medium-range missiles, but that classification is under review.

Aside from this deployment, the Russians continued last year to deploy nearly 200 SS–11's, along with about 60 larger SS–9's and a handful of solid-fuel SS–13's in traditional longe-range missile sites farther north and east.

If the 75 SS–11's in medium-range sites and a roughly comparable number of launchers in training centers are added to all other long-range missiles, officials say, the Russians are now believed to be approaching a total of 1,500, almost 50 per cent more than the 1,054 American land-based Minuteman and Titan–2 missiles.

However, the United States still has a lead—656 to about 250—in submarine-based missiles.

Thus, in missiles numbers, the two countries now are in a position of parity. And the United States still maintains a lead in long-range bombers—450 to 150.

It is because of this surge in Soviet missile construction that many Administration leaders are eager to negotiate a slowdown or halt in the missile race when talks on the limitation of strategic arms resume on April 16 in Vienna.

The first evidence that the Russians were constructing some SS–11 sites in medium-range missile complexes was uncovered by reconnaissance satellites last fall.

Government sources say it is not absolutely clear whether these SS–11's are being added to the missiles at the two sites or whether they are replacing older, more vulnerable missiles. Some officials suggest there is reason to believe the latter is the case.

TEST FIRINGS NOTED

The intelligence community has noted some test firings of the S–11, within the Soviet Union, at ranges short of 2,000 miles.

From the southerly sites, the SS–11 could reach, besides targets in Western Europe, most of the northern half of the United States. This would include the biggest cities and most Minuteman sites.

Officials say that in the preliminary missile talks in Helsinki the Russians asked that their medium-range missiles should be excluded from detailed discussions on strategic limitations on the ground that these weapons did not threaten United States territory.

American negotiators insisted that they be included, partly because Washington has assured the North Atlantic Treaty Organization that weapons limitations would include systems that threatened Western Europe.

Installation of SS–11 missiles among medium-range missiles complicates this matter, officials say.

"If asked, the Russians might say that these missiles have been modified so they can't be fired at intercontinental range," one source said, "but we have to assume they can."

OIL IMPORT POLICY

Mr. HANSEN. Mr. President, those who advocate such a basic and drastic change

in U.S. oil import policy apparently have given little consideration to the effects such changes would have on the economies of oil producing States, such as Wyoming and 30 other States.

I have pointed out the fallacies of a tariff plan recommended by the task force on oil import controls and am pleased to note, especially at a time when adequate funds for education are such an issue in Congress, that the Wyoming Higher Education Council has expressed its opposition to such a plan.

The council recently sent a telegram to the President emphasizing the importance of oil taxes to education in my State of Wyoming.

State school superintendent, Harry Roberts—a member of the council—stressed the importance of oil revenues to education in Wyoming and remarked that the President's veto of the HEW-Labor appropriations bill would be "chicken feathers" compared to what education in Wyoming would suffer if the oil import quota program were to be changed.

Mr. President, I ask unanimous consent that an article from the Casper Star Tribune, reporting the action of the Wyoming Higher Education Council, be printed in the RECORD.

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

PLEA TO KEEP IMPORT PLAN SENT TO NIXON

(By Joan Wheelan)

CHEYENNE.—The Wyoming Higher Education Council sent a telegram to President Nixon Friday emphasizing the detrimental effect any change in the oil import quota would have on Wyoming education.

The resolution to wire the administration was passed after the council heard testimony from two Casper men, Art Roberts of the Wyoming Oil Industry Committee and R. W. (Terry) Martin of the Rocky Mountain Oil and Gas Association.

Martin told the council the extractive mineral industry pays half the property taxes and contributes about 65 per cent of the educational costs in the state.

"Education in Wyoming is dependent on the health of the extractive mineral industry," he declared. Martin pointed out that the oil industry is facing a serious situation in the threatened change of the oil import quota.

He also noted that 1969 was the first time in 10 years that more oil was discovered in Wyoming than was produced. "It's unhealthy to look at one industry for over half the taxes," he said.

State School Superintendent Harry Roberts, a member of the council, also stressed the importance of oil revenues to education. He said the decrease in educational funds resulting from the president's veto of the Health and Education bill would be "chicken feathers" compared to what education in Wyoming would suffer if the oil import quota were to be changed.

MEDICAL SCHOOL

The council also heard about the possibility of establishing a medical school to serve Wyoming, Idaho and Montana. Dr. John Corbett of Casper, Wyoming Medical Society, noted Wyoming's acute shortage of physicians, notably in Gillette.

He said officials of the U.S. Department of Health, Education and Welfare are studying the possibility of establishing a medical school to serve the three-state area.

Dr. Corbett explained that the program would be unique in that there would be no medical school for the first four years. Instead, existing college and hospital facilities would be used in conjunction with closed circuit television lectures from medical centers.

He said the state medical society will meet in late March to decide whether to back the plan.

The council concluded two days of public hearings Friday afternoon after hearing testimony from 35 persons, most of them representatives of various organizations. The hearings were held to assist the council in planning future post-high school education in the state.

Tom Stroock of Casper, council chairman, told a news conference Friday that the council won't complete its fact-finding mission until May 1. Following this, the council will spend the summer working on a report to be submitted to the governor next fall and eventually to the state legislature.

The council has visited all but two of the junior colleges in the state and will spend one week at the university in April, he said. Although the council was noncommital about any contemplated actions, Stroock pointed out that all but four of the presentations had been on vocational-technical education needs.

He also noted "all seven junior colleges desperately need money."

Mr. HANSEN. Mr. President, in addition to the educational community in Wyoming and other oil producing States, the task force proposal on oil imports is opposed by all segments of the oil and gas industry, independents and majors alike. Since the first ominous warnings of the tariff proposal were reported, I have received hundreds of letters and telegrams from not only my own State but other oil producing States. A recent one sent by Mr. R. R. Aston of Roswell, N. Mex., to several newspaper editors is particularly impressive in that he, in plain language that anyone can understand, points out the "erroneous picture painted of the oil industry and its people."

Mr. Aston writes:

I am proud of the contribution made by this dynamic portion of our great national economy.

I started in the oil business on the working end of a 15-pound sledge hammer as a tool dresser on a cable tool rig. I have drilled my share of dry holes. I have spent months and years getting geology together, assembling a lease block, contracting for roads and drill sites, obtaining legal opinions on title, and entering into drilling contracts only to find no oil or gas present. I have learned to turn my back on such costly failures and to start to work again in an effort to find that drilling deal where the "Mother Lode" of oil would be found. When we do find oil and/or gas, we create wealth where none has existed. The landowner profits, the mineral owner profits, and the County, State, and National governments participate generously in the new output of economic value. Men and women are employed to operate and record this new discovery. Taxes flow to our schools and to our State and National governments. Our Nation is economically strengthened. Of even more fundamental importance, our National Security is strengthened. In our mobile and highly technical society, oil provides 75% of our Nation's energy. Oil is not a matter of choice with us; it is a matter of survival. There is no security in foreign oil. Our experience with frequently hostile, and always profit-motivated, foreign oil suppliers has taught us how quickly the tap can be closed. We must also recognize that large purchases of foreign oil will add tremendously to our already dangerous balance of payment deficit, weakening our dollar and drawing gold from our very limited reserves.

Mr. President, I, too, am proud of an industry that has contributed so greatly to the progress, well-being, and security of this country and I am tired of reading and listening day-in and day-out to the cry of liberals for another piece of scalp or for what they obviously want, the nationalization of a vibrant and highly competitive industry that has served the Nation well and will continue to do so if not forced into a few monolithic, utility-type corporations regulated and dominated by the Federal Government.

Mr. President, I ask unanimous consent that the full text of Mr. Aston's letter in behalf of the oil and gas industry be reprinted in the RECORD.

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

FEBRUARY 10, 1970.

Mr. ROBERT A. BROWN,
Editor, Albuquerque Journal,
Albuquerque, N. Mex.

DEAR MR. BROWN: I am an independent domestic oil producer. I am proud of the contribution made by this dynamic portion of our great national economy. I am disturbed by the erroneous picture painted of the oil industry and its people. I feel it is time that some of the true facts be laid before our fellow citizens and taxpayers. Every citizen in the United States has a vested interest in the oil business, so this is your story too. I will address myself to the facts both as they affect our great Nation and my own State. Since 32 of our 50 states produce oil and gas, these facts concerning New Mexico apply in some 64 per cent of our great land. The health of our domestic oil industry affects 100 per cent of our Nation—both economically and from a National Security viewpoint.

There is a liberal element of our national body politic which wishes to destroy the domestic oil industry. They chant constantly about the oil industry "tax loopholes." They point to some two hundred millionaires whom the say have gotten wealthy using special tax privileges of the oil industry. A handful of people may have avoided taxes, for the moment, through the use of capital gains, municipal bonds, charitable gifts, and certain oil tax provisions. I repeat, they may have avoided taxes; they have not evaded them. Taxes will be paid at some future date on assets so sheltered in a given tax year. In this liberal effort to bring down this handful of millionaires, these politicians would leave the domestic oil industry in shambles. Since there are well over a million Americans employed in oil and gas production, transportation of oil, refining, distribution, and other segments of the oil industry, I would suggest that this politically-motivated effort to close down the independent domestic oil industry could well be accused of an "Over Kill!" The destruction of the job of some one million people in an effort to increase the tax load of approximately 200 wealthy individuals is an over kill at a ratio of some 5,000 to 1.

I started in the oil business on the working end of a 15-pound sledge hammer as a tool dresser on a cable tool rig. I have drilled my share of dry holes. I have spent months and years getting geology together, assembling a lease block, contracting for roads and drill sites, obtaining legal opinions on title, and entering into drilling contracts only to find no oil or gas present. I have learned to turn my back on such costly failures and to start to work again in an effort to find that drilling deal where the "Mother Lode" of oil would be found. When we do find oil and/or gas, we create wealth where none has existed. The landowner profits, the mineral owner profits, and the County, State, and National governments participate generously in the new output of economic value. Men and women are employed to operate

and record this new discovery. Taxes flow to our schools and to our State and National governments. Our Nation is economically strengthened. Of even more fundamental importance, our National Security is strengthened. In our mobile and highly technical society, oil provides 75 per cent of our Nation's energy. Oil is not a matter of choice with us; it is a matter of survival. There is no security in foreign oil. Our experience with frequently hostile, and always profit-motivated, foreign oil suppliers has taught us how quickly the tap can be closed. We must also recognize that large purchases of foreign oil will add tremendously to our already dangerous balance of payment deficit, weakening our dollar and drawing gold from our very limited reserves.

The domestic oil industry stands at the crossroads. The decisions on oil import quotas or oil tariffs point their deadly edge at the vital heart of the American oil industry. Just how important is this to the average American businessman? First of all, 32 of our 50 states (64 per cent) produce oil and gas. In 1968, the last year in which we have complete figures, the total value of all crude oil produced in the United States was 9.8 billion dollars. When the value of natural gas and natural gas liquids is included, the total value of all petroleum production in 1968 amounted to slightly more than 14 billion dollars. Even by the standards of Washington politicians, this is a tremendous amount of money. The production of crude oil in the United States in 1968 averaged 9,095,000 barrels per day. This is an increase of 36 per cent during the past ten years. The consumption during 1968 was at an all-time high and amounted to 13,081,000 barrels per day or 44 per cent higher than just ten years earlier in 1958. The ever-increasing demand requires a more dynamic domestic oil industry if our Nation's needs are to be met and if National Security is to be served.

We all drive a good deal. During 1968, highway travel in the United States exceeded one trillion vehicle miles, the equivalent of more than two million round trips to the moon. America is a nation on wheels. We must be assured of a secure source of oil energy to keep the wheels of national progress turning.

I have been privileged to serve as a Regent at New Mexico State University. I am keenly aware of the crying needs of education to meet the skyrocketing demands of increasingly heavy student loads of today. Education in New Mexico is one of the principal beneficiaries of the New Mexico oil industry. Our schools would be bankrupted by a drop in crude oil prices for New Mexico. The domestic oil industry gives direct income to our State of from 80 to 100 million dollars annually. When this is compared with current State appropriations of approximately 225 million dollars annually, it is easy to see just how important the production of oil and gas is to the State of New Mexico. Every citizen of our State has a vested interest in a healthy petroleum industry. The education of our children is seriously threatened. Our teachers and school administrators would be among the first to feel the impact of any drop in the value of crude oil. Chaos in the financial affairs of our State would follow any downward adjustment of crude prices. It would then be necessary to turn to our hard-pressed taxpayers to make up such lost revenue. The tax climate for industrial development in New Mexico would put us low on any list as a site for new plant development.

The Editor of the Wall Street Journal expresses some of the foggy thinking in regard to the oil business. He classes domestic producers as inefficient and claims that our industry will find it hard to persuade the public that it should pay subsidies to keep such firms in business. The average producers and refiners receive 12 to 13 cents per gallon for high grade gasoline. In a high risk search for oil, I suggest that such a price for gasoline could hardly be classed as a subsidy.

Bottled drinking water costs 40 cents per gallon while crude oil brings the oil man about 8 cents or less per gallon. If oil were valued the same as drinking water, a barrel of oil would be worth $16.80.

Our newspapers are filled with alarming stories about imminent gas shortages. This threat is fact and not fiction. Yet, drilling for oil is an integral part of finding gas reserves necessary to meet these soaring demands. A drop in crude oil prices would seriously impair discovery of much needed gas reserves.

Oil has participated to a minimum amount in the spiralling prices that face our consumers. Oil is subject to an alarming increase in cost of doing business. New England politicians, the same who demand the destruction of the domestic oil industry, cry for protective import legislation to protect shoes and textiles. All United States business is guilty of running up the cost of our products through paying the highest labor scale and making possible the highest living standard of any nation in the world. If the consumer must be protected by rolling back prices, then let such an adjustment be across the board. Let all United States industries adjust not only their prices, but their costs, downward through some national price and wage controls. I think we will all agree that we can make the old shoes or the old suit last, but none of us can get along without gasoline, natural gas, or lubricants.

Don't let the politician fool you with his sleight-of-tongue antics pointed at the consumer vote. Every citizen in these United States has far more to lose than he has to gain through reducing the price of crude oil. It is already one of our greatest bargains! The domestic oil industry is mandatory for not only our economic health, but for our National Security.

I earnestly recommend that you contact the President, the Cabinet Task Force, and your congressional delegation regarding this vital matter.

Sincerely yours,

R. R. ASTON.

Mr. HANSEN. Mr. President, in further support of what I and Mr. Aston and many others have been saying about the dangers of becoming dependent on insecure and unreliable foreign sources of cheaply produced crude oil products, the current issue of the Oil and Gas Journal carried an excellent editorial entitled "Arab militants No. 1 exhibit for strong U.S. oil industry."

I ask unanimous consent that the editorial also be printed in the RECORD.

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

ARAB MILITANTS NO. 1 EXHIBIT FOR STRONG U.S. OIL INDUSTRY

Leaders of Arab states meeting in Cairo unwittingly have done the U.S. domestic oil industry a service.

Timing of their militant threats to "liquidate" vital U.S. oil investments in the Middle East was unbelievable. The threats came on the same day the White House acknowledged the President officially has received the controversial and often revised task force report on a new oil-import policy.

The Arab threat should do more than all the sophisticated arguments oilmen can marshal to show the President the danger of putting this nation at the mercy of foreign oil.

The Arab gathering, it's true, includes the heads of only five Middle East countries—Egypt, Jordan, Syria, Iraq, and Sudan.

These are the most violently resentful of U.S. ties to Israel, the ones promoting war, and the ones with the least to lose. Only Iraq has a sizeable oil industry. Egypt has a growing one. Syria has some oil. Jordan and Sudan have none.

The major oil-producing Arab nations where U.S. companies have vast interests—Saudi Arabia, Kuwait, and Libya—were not represented at Cairo. Their absence is significant. They know that without oil production and ready markets in the West, their economies would be a shambles. They aren't apt willingly to disturb such a profitable arrangement. That's partly why Saudi Arabia and Kuwait are willing to pay out $252 million in aid each year to keep the economies of Egypt and Jordan from collapsing and spreading a revolutionary virus across their own borders.

There still is real danger, though, from the Cairo threats. They are another disturbing force in a politically unstable area.

Terrorists, inspired by the declaration, easily could play havoc with key oil pipelines, terminals, and producing facilities—even in nations tied to the West by profitable oil markets.

Cairo-inspired revolutions also could upset friendly governments. The oil could be denied to the West even against the best interests of all concerned.

The Cairo declaration, thus, holds double meaning for this country.

It emphasizes the necessity for President Nixon to continue his efforts to stabilize the Israeli-Arab shooting and strive for an ultimate settlement. Humanitarian as well as the economic considerations force a peace-making role on the U.S.

It also illustrates the folly of any new import policy that cripples this country's oil industry and makes America dependent on unreliable foreign sources for such a basic and vital commodity.

The importance of secure oil surely cannot be lost on President Nixon as he ponders import recommendations of the cabinet task force.

THE ST. LAWRENCE SEAWAY

Mr. MONDALE. Mr. President, there has been a great deal of interest expressed in S. 3137, a bill which I introduced with wide bipartisan cosponsorship, to make it possible to lower tolls on the St. Lawrence Seaway.

Naturally, the Great Lakes ports favor such legislation. I placed a very challenging editorial from the Duluth News Tribune of November 14 in the RECORD of November 21, 1969, I have received a number of communications from Great Lakes ports and associations in support of this bill. As an example, I call to the attention of my colleagues a letter from the Maritime Council of the Port of Milwaukee.

I am pleased to report that the St. Louis Post-Dispatch, in a November 29, 1969, editorial, endorsed the Seaway bill. This editorial, entitled "To Unchain the Seaway," underscores my belief that help for the seaway is not merely a regional matter. And it need not hurt any other region of the country. As the Post-Dispatch noted:

After all, the $120,000,000 was invested for what it promised to do for the United States in shipping and trade, and the possibilities in those respects dwarf the capital outlays. Canada has made use of the Seaway to become the world's biggest grain exporting nation. . . .

The Wall Street Journal of December 12, also contained a very interesting analysis which points up both the seaway's

potential and its problems. In an article entitled "Dire Straits" the Journal cited a case where a shipment of power transformers from Oil City, Pa., to Le Havre, France, cost the shipper $1,387 through Cleveland, compared with $2,232 by rail to New York and then to France.

There are numerous instances where this kind of economy may be the difference between making an overseas sale or losing it to a foreign supplier whose delivered prices is lower. But there are forces at work to deny the seaway its potential. As the Journal also noted—

It costs nine times as much per mile . . . to ship steel silos by train from Kankakee, Illinois, to Chicago than from Kankakee, Illinois to New York.

This kind of discriminatory rate structure, inexplicably sanctioned by the Interstate Commerce Commission, artificially raises the cost of certain goods which could otherwise be shipped at very attractive costs via the seaway.

Mr. President, I ask unanimous consent that the letter, editorial and article referred to above be printed in the RECORD.

There being no objection, the letter, editorial, and article were ordered to be printed in the RECORD, as follows:

MARITIME COUNCIL,
Milwaukee, Wis., December 17, 1969.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: The Maritime Council of the Port of Milwaukee is composed of about 40 companies and individuals, engaged in various aspects of foreign trade or maritime activities, and all related to shipping and commerce via the St. Lawrence Seaway trade route. The economic success of our members, and of the Port of Milwaukee, is related, of course, to the degree of success achieved in moving large volumes of trade via the Seaway.

We therefore commend you and your 14 colleagues in the Senate for the introduction of S-3137 "St. Lawrence Seaway Amendments of 1969." We support this legislation as facing realistically the fiscal problems of the Seaway, in the light of the rigid demands of the 1954 Seaway enabling Act.

At its last meeting, the Maritime Council acted to support S-3137. In addition, the Council declares its support for Amendments to the Merchant Marine Act of 1936 including (a) defining the Great Lakes as a seacoast within the meaning of Section 809 of the Act and (b) removing ambiguities of language which can be interpreted to preclude ships in the Great Lakes—overseas trade from eligibility for operating differential subsidies.

We are also communicating these judgments by our Council to the Secretary of Transportation, and to the Administrator of the St. Lawrence Seaway Corporation, for consideration in the preparation of future plans and programs.

Sincerely yours,

THOMAS T. PFEIL,
President, Maritime Council,
Port of Milwaukee.

[From the St. Louis Post-Dispatch, Nov. 29, 1969]

TO UNCHAIN THE SEAWAY

Senator Mondale of Minnesota is proposing to allow the St. Lawrence Seaway Corp. to write off the United States' capital investment of $120,000,000 in developing the Seaway, and he advances some cogent arguments on grounds of fairness and optimum usefulness. He points out that the Government made capital outlays of $56,000,000 in the Gulf Intercoastal Waterway, $62,000,000 in the Mississippi River-Gulf outlet, and $33,000,000 in the Houston Ship Channel without requiring any one of them to repay the investment. To treat the St. Lawrence Seaway otherwise, as Congress has done, he maintains is discriminatory.

The Seaway Corp. has paid the U.S. Government $33,000,000 in interest since it began operations 10 years ago but is $12,500,000 in arrears on interest charges alone, short of repayment on principal. The reason is that tolls, which were expected to sustain repayment with interest, have been smaller than anticipated, while operating expenses have been larger.

If tolls were ever to repay the investment the Seaway Corp. would have to increase them 30 to 60 per cent, Senator Mondale argues. But that hope is illusory, he says, because traffic would be driven off to Eastern railroads and Atlantic ports. These interests have all along fought to prevent maximum use of the Seaway.

The Eisenhower Administration, which can claim credit for finally developing a United States share of the Seaway, was parsimonious toward natural resources in general, and that attitude diluted its accomplishment on the St. Lawrence. Our country shared too little of the cost in comparison with Canada and laid burdens on the operating corporation so heavy they are proving insuperable.

After all, the $120,000,000 was invested for what it promised to do for the United States in shipping and trade, and the possibilities in those respects dwarf the capital outlay. Canada has made use of the Seaway to become the world's biggest grain exporting nation; the United States has taken so little advantage of the new opportunities that it has lost even more inter-lake traffic than Canada has gained.

The overriding consideration, it seems plain to us, is what measures are necessary to bring about full realization of the potential advantages offered by the Seaway. To that end, we believe Senator Mondale is right in proposing to abandon the requirement of repayment, which is unlikely to occur in any event.

[From the Wall Street Journal, Dec. 12, 1969]

DIRE STRAITS: ST. LAWRENCE SEAWAY, COMPLETING 10TH YEAR, IS AWASH IN PROBLEMS—ITS TRAFFIC IS OFF, DEBT IS UP AND IT IS GETTING OBSOLETE; SOME SHIPS CURTAIL RUNS—STEEL SILOS TRAVEL BY RAIL

(By Jim Hyatt)

CLEVELAND.—The last ocean-going vessel leaves the St. Lawrence Seaway this weekend, ending the 2,300-mile water route's 10th season of operation. It has not been a very good year.

For the St. Lawrence Seaway, heralded a decade ago as a "second Mediterranean" or a "fourth seacoast" for the U.S., is a flop at this point. Shippers shun it. Shipbuilders curse it. Ship operators ignore it. It is deeply in debt, in disrepair and almost obsolete. Its traffic this year probably will be the lowest since 1964, and some people worry about its future.

"The seaway won't be shut down," insists one backer of the project. And then he adds, "But it may just go to pot."

The seaway, a joint U.S.-Canadian project that cost $500 million to build, is an engineering wonder. A channel-and-lock system that bypasses rapids lifts ships 600 feet from the time they enter the seaway at the mouth of the St. Lawrence River in the Atlantic Ocean to the time they reach Lake Superior.

WHAT WENT WRONG?

A big ship can make the trip from the Atlantic to Duluth in eight days, and about the only problem the seaway builders envisioned was one of traffic jams as everybody rushed to use the wondrous new route. They pictured huge ocean-going vessels docking in such previously landlocked places as Chicago, Milwaukee and Cleveland. They figured seaway ships, with their low rates, would take cargo away from the railroads. They saw vast markets opening up for Midwestern-made goods, and they saw the Midwest being showered with foreign-made manufactures transported cheaply to its doorstep by ship.

But none of these things has come to pass. The main problem, say people who are expert in the affairs of the seaway, is that everybody underestimated the difficulty of persuading shippers to abandon rail transport for moving goods to and from East Coast ports. So insignificant is the seaway's presence here in Cleveland, for example, that the Port of Cleveland handles only 3% of the goods manufactured for export in the area.

"It's like water wearing away rock," complains Richard Shultz, executive director of the Port Authority of Cleveland.

All told, seaway ships carried about 40 million tons of cargo this year, it's estimated, off sharply from the 48 million tons of 1968. Seaway officials attribute part of the decline to a strike of iron-ore workers in Canada, but some observers say the total would have been down even without the strike. The 1968 total was up from 1967 but was below the peak of 49.2 million tons of 1966. The dearth of business is causing some American-flag carriers to cut back on their seaway operations and some have indicated they might pull out of the Great Lakes entirely. "We can't cruise like a taxicab looking for business," asserts one shipping official. "The cargo just isn't there."

BEWARE OF MUD

Scarcity of cargo isn't the shipping lines' only complaint. Until recently, they maintain, many seaway ports weren't dredged to the maximum 27-foot depth of the rest of the seaway. What's more, they say, that 27-foot depth is no longer enough. Many old ships would get stuck in the mud if they came into the seaway fully loaded, and some new ships don't have a chance. New container-ships under construction have 33-foot drafts—and are 10 feet too wide for the 80-foot locks. Estimates of the cost to modernize the seaway to handle these big new ships range up to $5 billion.

The decline in traffic on the seaway could turn into a vicious cycle. The shipping lines say they want to cut service because the shippers don't have much to ship. And shippers say one reason they don't use the seaway much is that the number of ships available is decreasing, making schedules erratic.

In mid-October, for instance, Lubrizol Corp. of Cleveland needed quick shipment to Liverpool, England, of 150 drums of a petroleum additive. But the next possible sailing from Cleveland was three weeks off, and even then a ship would call here only if enough cargo were available to make a stop worthwhile. So the company spent an added $1,000 to ship the drums by rail to New York, where they were loaded on a ship scheduled to arrive in Liverpool two days before the earliest date any ship might show up in Cleveland.

Anchor Hocking Corp. of Lancaster, Ohio, says it has halved its seaway tonnage in recent years because of the haphazard sailing schedules.

WHAT WILL HAPPEN IN 2009?

The less tonnage hauled, the more the seaway falls in debt. The seaway is committed to repaying the U.S. and Canada its capital costs as well as to meeting its operating expenses. Legislation requires this capital to be repaid by the year 2009, but based on current traffic projections and present tolls the seaway will instead be $821 million in debt by then, according to Sen. Walter F. Mondale of Minnesota.

Sen. Mondale thinks the seaway's only problem is its commitment to repay its capital costs. "The financial framework of the seaway is unfair and unreasonable and discriminates against the nation's fourth seacoast," he states. At the moment, the seaway is $20 million behind in debt payments, and one congressman says it is "dangerously close to going bankrupt."

Sen. Mondale and some other members of Congress think that the U.S. should cancel the existing debt and that the seaway should simply be required to turn over to the Treasury any money it takes in beyond its operating costs. Such a proposal doesn't sit well with everyone. "Holy hell will break loose" if pro-seaway members try to eliminate the debt, asserts one source who favors the Eastern ports.

Another solution, of course, would be to increase tolls, and Sen. Mondale fears possible 30% to 60% rises. But Leonard Goodsell, executive director of the Great Lakes Commission, an association of officials of Midwestern states, says an increase of only 10% would "knock us out of a lot of world markets."

It's questionable, however, how many markets there are to be knocked out of. In an appraisal of the seaway, the Canadian Imperial Bank of Commerce says: "Neither the fear that the seaway would allow foreign manufacturers to flood the markets of the St. Lawrence Basin nor the hope that it would enable producers there to greatly expand their markets has been realized."

At the moment, the seaway tolls do provide some real bargains. One example: A recent shipment of power transformers from Oil City, Pa., to LeHavre, France, cost the shipper $1,387 a ton through Cleveland, compared with $2,232 a ton had the transformers been shipped by rail to New York and then to France. Rail rates for some goods, however, are designed to encourage use of East Coast ports, as seaway backers see it. It costs nine times as much per mile, for instance, to ship steel silos by train from Kankakee, Ill., to Chicago than from Kankakee to New York.

Seaway officials cite the high rail rates to Great Lakes port as just one of the problems they are fighting. They also compain that Congress has blocked the St. Lawrence Seaway Development Corp. from using any funds for advertising and promotion. This ban means the seaway is "operating with its hands tied behind its back," asserts H. D. Doan, president of Dow Chemical Co. and chairman of the seaway's 10th anniversary observance.

THE RIGHT TO DISSENT

Mr. BROOKE. Mr. President, on November 14, 1969, my good friend and honored colleague, Judge Harry T. Alexander, delivered a forceful and moving address before the Phi Alpha Delta International Law Fraternity.

Judge Alexander traced the history of legitimate and responsible dissent in this country—from the Declaration of Independence, through the Constitution and the various amendments thereto, through the abolitionists' crusade and the Supreme Court decisions which sought to affirm, once and for all, the rights of all Americans. He noted, rightly and sadly, that we still have a long way to go. But he urged that, like our forefathers, we have the courage to act—in education, in housing, in recreation—in all the areas where men are not yet quite equal or quite free.

This remarkable speech has a message for all of us. It is a call to action within the law. I commend it to the attention of my colleagues, and ask unanimous consent that the full text be printed at this point in the RECORD.

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

REMARKS OF JUDGE HARRY T. ALEXANDER

Mr. Justice, officers, members and brothers of Phi Alpha Delta International, let me say at the outset, I am humbly proud of my recently conferred honorary membership in this great organization. It is a wonderful feeling to join with such national and international talent in order to foster the precepts of our fraternity: to serve the student, to serve the law school, and to serve the profession. It was this feeling, coupled with the Supreme Court's decision of October 29, 1969, in *Beatrice Alexander, et al.* v. *Holmes County Board of Education, et al.*, that dictated the acceptance of Mr. Justice Bogg's request to participate tonight in the inns of court program, and to speak to you tonight upon a very vital issue—the right to dissent.

With all that has been written upon this subject, the right to dissent, with all that has been spoken on the issue, I could feel, perhaps, and should feel like the eighty year old gentleman the judge mistakenly sentenced to jail for fifty years, for the unlikely crime of rape. The kindly looking octogenarian asked the court "Did you say fifty years?" The judge sterly replied, "Yes I did." The gentleman's candid reply was "your honor, I won't live that long." The judge retorted, "Do the best you can." So under the circumstances, That is what I am going to attempt to do—the best I can.

Today the moral conscience of the country is aroused. Tonight the moral conscience of the country is aroused. Tomorrow November 15, 1969, the moral conscience of the country will be aroused. It doesn't take imagination to conclude that the country is divided into two camps. The issue which causes some on both sides to heap or display righteous indigitation, of course, is the war in Vietnam.

We must remember that both camps enjoy the protection of the Constitution of the United States in their right to dissent. Those who dissent from the position of our national policy are no less protected by the Constitution, just as the so-called silent majority in its right to support our national policy, or in other words, for the right to dissent from the dissenters.

This division of camps is evident from demonstrations at the White House, the Capitol, and the Pentagon as well, just as it has been obvious from the campus unrest all over our land. Just recently on the October 15th moratorium day—100,000 people assembled in Boston, 30,000 passed the White House, 12,000 assembled in Chicago, and 250,000 gathered in New York. Life magazine carried the story "America Gathers Under a Sign of Peace." And this occurred as we say from Maine to Florida, and from Massachusetts to California. It included men and women of all walks of life, from students to Ph. D's, from professors to businessmen, from lawyers to doctors, from atheists to clergy, Christians and Jews. It occurred at large colleges and small, great universities and the not so great.

More recently, the right to dissent was given expression on Veterans' Day when 10,000 to 15,000 people assembled at the monument to support our national policy on Vietnam—to dissent from the dissenters. Its expression tomorrow is expected to be made by some 150,000 to 200,000 in the Nation's Capital, and some 200,000 in California, as America once again exercises the right to dissent in the form of a moratorium.

The issue today can not be whether they have the right to dissent. The right has been clearly established, protected by the Constitution, and implemented by the Supreme Court—in countless cases, from the clear and present danger test of *Schenck* (1919) and *Gitlow* (1925), through Smith Act violations in *Dennis*, (1951), to the black arm band Vietnam protest in *Tinker* v. *Des Moines* (1969).

We know, too, that the precious right is not absolute. What Justice Holmes observed in *Schenck* is still true today:

"The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing panic. It does not even protect a man from an injunction against uttering words that have all the effect of force . . ."

And let me hasten to add, this great right certainly does not include the right to assassinate a President; to kill a Nobel Prize winner, or make a martyr of a Senator. Nor does it include a right to otherwise do violence or injury to person or property. And as Justice Rutledge said, when he restated the clear and present danger test in *Whitney* v. *California*, (1927):

"But, although the right of free speech and assembly are fundamental, they are not in their nature absolute. Their exercise is subject to restriction, if the particular restriction proposed is required in order to protect the state from destruction or from serious injury, political, economic or moral."

Under the mandate laid down by the Supreme Court and our United States court of appeals, our government has, once again, recently recognized the right to dissent, evidenced in the issuance of permits for the present moratorium. I want you to know, I am not here to discuss that highly technical and political issue. Under our tripartite system of government, the legislative, executive and judicial branches are separate entities. Where political matters are concerned, there can be no greater necessity for application of this principle than in matters of politics. I do assert my belief, however, that neither President Johnson nor President Nixon have desired to harm our country, nor any of its citizens. I also believe that they, like proponents and opponents, want peace and the return of our soldiers, sailors and marines to their homes. However, I would like to discuss with you what seems to me to be the history of the right to dissent and in what channels the vast energies of dissent ought to be directed.

Born out of revolt from England, predicated upon sheer digust with the intolerable conditions of colonialism, guided by freedom loving men of justice and equality, through eternities of sweat, blood and tears, we can truly say that our entire country was built on the right to dissent.

Hence, as I see it, the first great dissent is the Declaration of Independence. Although it is the second paragraph of that beautiful document which is oft-times quoted in the familiar passage that we know so well, as it begins, "we hold these truths to be self-evident, that all men are created equal; that they are endowed by their creator with certain unalienable rights; that among these, are life, liberty, and the pursuit of happiness", it is really the first paragraph that sets the tone of the dissent in the following words:

"When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation."

After setting forth these principles which impelled the representatives of the United States to issue the declaration; and having charged the king of Great Britain with a history of repeated "injuries and usurpations"; and having further charged him with the establishment of an absolute tyranny over the States, the framers of the Declaration, the framers of the First Great Dissent,

proceeded to prove the conclusions by submitting facts "to a candid world." In doing so, the General Congress set forth at least eighteen tyrannical acts, and if they be subdivided, they submitted no less than twenty-seven acts of tyranny.

Still dissenting from the bondage of England, the Preamble of the Constitution of the United States was published and stands as the second great dissent. It rings loud and clear with principles opposed to days of oppression inflicted by the King of Great Britain. How well do we remember from childhood days that declaration to all the world:

"We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Another classic example of the right to dissent is the third great dissent, the comprehensive Bill of Rights. It is no accident that the first of those ten amendments sounded the death knell of tyranny, oppression, and suppression when it provided,

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

In addition to the dissent protecting freedom of speech, press, religion and assembly in the first amendment, the framers of the bill of rights—the third great dissent—also intended dissents from arbitrary and capricious trials; from illegal searches and seizures; from confiscation of property, life and liberty without due process; from trials of vexacious and capricious delays, and from trials without counsel, as well as from being placed on trial for infamous crimes without the scrutiny of a grand jury.

The fourth great dissent was eventually to culminate from the abolitionists' crusade. It did so in the enactment of the thirteenth amendment to the Constitution of the United States which provides in pertinent part:

"Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

No longer, thought the Abolitionists, would man be treated as chattel held in bondage and sold upon blocks of slavery. However, having witnessed in this country a kind of oppression worst than was dissented from under the King of Great Britain, sweat and blood and tears of the Abolitionists once again culminated in postive action—the enactment of the fourteenth amendment emerging as *the fifth great dissent*. Now the Abolitionists knew that for all time and eternity principles which had been stated in the Declaration of Independence and the Preamble of the Constitution would not be denied to any man; not because of race, not because of color, not because of creed or national origin, and certainly not because of previous conditions of involuntary servitude. I would be remiss not to remind you of the principles forged in perhaps the greatest dissent ever published. The amendment provides, in pertinent part:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

All of us well recall these clauses respectively as the citizenship clause, the privileges and immunities clause, the due process clause, and the equal protection clause.

Similarly, *the sixth great dissent* is embodied in the fifteenth amendment of the constitution, insuring the right to full citizenship, guaranteeing the right of suffrage to all men. It provides, in pertinent part:

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous conditions of servitude."

Hence, we can see that the framers of our great constitution, otherwise described as the framers of the six great dissents, intended that, no man be denied his God-given rights, his inalienable rights, now codified in the constitution. The principles embodied in these great dissents have been frequently applied and construed by the Supreme Court of the United States. Sometimes these great principles have been misapplied; from the "pernicious" decision of the *Dred Scott* case, through the *Slaughter House* cases, to the infamous decision in *Plessy* v. *Ferguson* in 1896.

It is now nearly 200 years since the first great dissent, 112 years since Dred Scott, and 73 years since *Plessy* v. *Ferguson*—and the country still has not recovered from decisions which characterized the black man as chattel, denied him the right of citizenship and enforced countless badges of inferiority which still linger.

Let me take a vital passage from the declaration of independence which typifies the quality of dissent upon which our country was founded. Speaking of governments and mankind, the first great dissent declares in pertinent part:

"When a long train of abuses and usurpations pursuing invariably the same object evences a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government and to provide new guards for their future security."

Following this call to duty, the abolitionists knew that Chief Justice Taney's philosophy—characterizing the black man as nothing more than chattel—was neither constitutional nor morally right. Hence, it set about the serious business of changing that 1857 Dred Scott decision by passage of the fourteenth amendment in 1866, and its enactment by ratification in 1868.

But not even the fourteenth amendment precluded the infamous decision of *Plessy* v. *Ferguson*, establishing the so-called "separate but equal" doctrine. So outstanding and prophetic was the dissent in *Plessy* v. *Ferguson*, that Mr. Justice Harlan's opposition to the majority can rightfully be called the seventh great dissent. His wisdom and vision finally found full expression in the October 29, 1969 decision removing the badge of invidious discrimination from education. His poetic and classical phrases bear repeating:

"There is no caste here. Our constitution is color-blind, and neither knows nor regards man as man, and takes no account of his surroundings or of his color when his civil rights as guaranteed by the supreme law of the land are involved. It is therefore to be regretted that this high tribunal, the final exposition of the fundamental law of the land, has reached the conclusion that it is competent for a state to regulate the enjoyment by citizens of the civil rights solely upon the basis of race.

"In my opinion, the judgment this day rendered will, in time, prove to be quite as pernicious as the decision made by this tribunal in the *Dred Scott* case."

It was a long and arduous trip through many cases that reached the Supreme Court, while that doctrine was gradually being widdled away in *Gaines, Sipuel, McLaurin* v. *Oklahoma, Sweatt* v. *Painter*, and ultimately through *Brown* v. *The Board of Education*, in 1954.

Meanwhile, the victims of segregation and discrimination still suffer from the effects and aftermaths. Hence, today there is still a great deal to dissent from because there still are, as mentioned in the first great dissent, "a long train of abuses and usurpations" inflicted upon innocent people. All of these must be corrected. They are all too prevalent.

As one of my former employers, the martyred Robert F. Kennedy, once observed in 1966, let me remind you. Among other things he said:

"It is not enough to allow dissent. We must demand it. For there is much to dissent from. We dissent from the fact that millions are trapped in poverty while the nation grows rich. We dissent from the conditions and hatreds which deny a full life to our fellow citizens because of the color of their skin . . ."

To this I add, we dissent from substandard education and the lack of equal job opportunity; we dissent from the deplorable conditions in substandard housing, and we dissent from the lack of sufficient black faces and other minorities in high places in our Federal and State governments, in business and in industry. We dissent, too, from the situation of too many blacks clustered in the Federal Government between grades one and four, and too few faces between grades five and fifteen. We dissent, too, from the pitiful token of all minorities employed in super grades sixteen through eighteen. We dissent, too, from the deplorable fact that there are those among us who would further delay the rights and privileges guaranteed to all citizens.

In my humble opinion, this situation calls for action from all responsible men. It calls for action now. As the history of the great dissents demonstrated, we have a duty to dissent from these injustices and usurpations; it is no longer merely a right. It seems to me that there is no finer organization of men than Phi Alpha Delta to begin a new era of responsible action dedicated to equality for all men.

I am reminded of a recent incident which will forever change the injustice of a national pageant. During the Cherry Blossom festival, one young man had the courage to observe that the festival discriminated solely because of race. Of the more than fifty female participants, not one represented the black race. I can never forget the editorial carried by the Washington Daily News, when it billed the young Air Force officer and the incident as, the "white knight and black princesses." His was indeed a right to dissent, and an appropriate action of duty. Following his observation, others of authority agreed and concluded he was correct. They vowed the situation would never occur again.

With enough "white knights" in Phi Alpha Delta across this land, it would certainly take fewer moons to make our domestic scene a show place among the nations of the world; a show place of which all of the majority and all of the minorities could be justly proud. What we need, too, are some strong "black knights," like the "white knight" who in the place of futility was motivated by hope, and who instead of timidity displayed the courage of his convictions to enter into what is undoubtedly a moral conflict. He travelled the high road of conscience and courage, in preference to the low road of complacency, indifference and timidity.

It seems to me, that the most important domestic issue which cries for attention today is the complete and present implemen-

tation of the principles embodied in the Supreme Court document announced October 29, 1969: integration in education now; integration in education "at once." The fourteenth amendment and the Supreme Court stand for the proposition that this principle is applicable across the board—completely—in every aspect of public life. This we must do now. Only then will the black minority and all other minorities have a fair chance to share equally in the abundance and dignity of the American life, and the great promise of the noble American dream.

Permit me, please, to quote a philosophy Georgetown allowed me to publish in volume 40, 1952, of its law journal, in a review of Professor tenBroek's book—"The Antislavery Orgins of the Fourteenth Amendment":

"Hence, the present-day significance of Professor tenBroek's revelation is unequivocal—the fourteenth amendment not only admits of another construction, but another was so intended; the "separate but equal" doctrine of *Plessy* v. *Ferguson* is not only to be viewed as deficient in logic and realism, but is likewise constitutionally unsound. Further, the impropriety of the court's decision in the civil rights cases becomes obvious since State inaction is also a denial of due process and equal protection. Just as sin by omission is no less a sin, so too a deprivation by State inaction is no less a deprivation.

"It is quite apropos that man's inalienable rights be once again acknowledged. That these are, beyond a doubt, embodied in the Constitution by virtue of 'reconsummation' in the fourteenth amendment is a tribute to the abolitionists crusade which culminated in the enactment of their comprehensive goals in the form of the Civil War amendments. The full enjoyment of these Godgiven, constitutionalized rights are yet to be realized by those Americans to whom they were given and for whom they were sought to be extended. The trend of the court in *Sweatt* v. *Painter* and *McLaurin* v. *Oklahoma* is toward that direction importing equality in fact to the "separate but equal" doctrine—but *Plessy* v. *Ferguson* remains to be overruled. This the court has enunciated it can do despite stare decisis.

"It is submitted Professor tenBroek has shown the 'constitutional' way to exist by either the restrictive interpretation or this long-range approach. The task of implementation is for all Americans—but is especially the duty of jurists, lawyers, legislators and public officials.

"Thus, the book commends itself to all Americans interested in a fuller realization of our democratic principles." (Footnotes omitted.)

In 1969, let me add to what was implored in 1952—seventeen years ago. The long-range approach has taken too long. Forces in our country, and without, would capitalize upon the persistent existence of these deplorable undemocratic practices. But that is not the first reason to abolish the practices which are inconsistent with our tenets. Fear may be a good reason for some to act; but it is not motivated by justice; and it is not dictated by the Constitution. We ought rather to act in these matters because it is right, just and required by the law of the land.

Let me remind you the laws for action are already on the books. The Supreme Court has led the way—in education, housing, recreation, in fact, clear across the area of civil rights. The Congress of the United States has passed needed legislation in voting rights, housing and education. The executive branch has deplored discrimination in Government, and without. All departments and agencies now have equal employment opportunity officers. All the country needs are men of courage and conviction in order to implement the law of the land; decisions of the Supreme Court, the Constitution and statutes of Congress.

Brothers in Phi Alpha Delta, I welcome you to the challenge not posited by me, but as dictated by the crucial times in which we live; not by me, but by the nature of our heritage; not by me, but by the great principles of dissent upon which our country was founded. For what was stated in the Law Journal in 1952, is still true today. Only, as all of us can plainly see, continued denial has increased the urgency; procrastination has increased frustrations.

I trust that you will emerge as strong "white knights" and strong "black knights." I trust, too, there will be a determination of the "white knights" to help his black brother stand tall, firm, and courageous, as we go about this serious business of making the seven great dissents the great reality for all of our people. I trust, too, that the goodness you employ in this challenge will so diffuse that in a short while it can mobilize the countless hundreds of thousands dedicated to the moratorium in October, as well as the hundreds of thousands engaged in the present demonstration, and then spread across this land to every nook and cranny, to the legislative, executive and judicial branches of our governments, to the so-called silent majority, and to every city and town, until as the martyred Martin Luther King would say—"Let freedom ring . . ."

REORGANIZATION OF NATURAL RESOURCE DEPARTMENTS

Mr. MOSS. Mr. President, although it was written more than a month ago, I have not previously seen "A Letter to the President," which was sent to Mr. Nixon, prior to his state of the Union message, on January 22, by Mr. Sal J. Prezioso, president of the National Recreation and Park Association.

Noting Mr. Nixon's stated intention of making the quality of the Nation's environment a major domestic theme during the coming decade, Mr. Prezioso wrote that the association was encouraged particularly by "the possibility that you would propose a Cabinet-level department to develop new policies and programs and coordinate all present Federal activities in connection with our national resources and environment."

The letter is an excellent argument for the reorganization of natural resource departments which I have long advocated and which is before this Congress as S. 1446. In his message on the environment, the President stated that, following a report to him which is due April 15, he will make specific recommendations concerning a major reorganization in this field. Mr. Prezioso's letter, which is published in Parks and Recreation, the publication of the National Recreation and Park Association, for February 19, 1970, is a cogent addition to the national dialog on the environmental issue.

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

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

NATIONAL RECREATION AND PARK ASSOCIATION,
Washington, D.C., January 9, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Press reports note that you intend to make the quality of this country's environment a major domestic theme during the coming decade and that you will give this theme priority attention in your message on the State of the Union.

We are most encouraged by these reports, and particularly by the possibility that you will propose a Cabinet-level department to develop new policies and programs and coordinate all present federal activities in connection with our national resources and environment.

Present federal policy governing national resources and environment is developed and administered by a complex, confusing and conflicting array of agencies, offices and departments, incorporating large amounts of money, talent and time. The results have been like a symphony orchestra composed of brilliant musicians each dedicated to beautiful music but producing only discordant noise in the absence of a conductor.

A centralized authority is urgently needed to end the discord, the divisions and duplications of policy and authority common now in the federal approach to the environment. There are, for example, at least four separate departments concerned with water resources development, each using different methods of computing expected costs and benefits from projects and each stressing different aspects of development. Also, the Corps of Engineers and the Bureau of Public Roads vigorously promote construction projects that are often contrary to polices and goals of the Interior Department. The Soil Conservation Service promotes drainage of the nation's wetlands while the Fish and Wildlife Service strives to maintain them in their natural state.

These policy and jurisdictional disputes and many, many others must end. A centralized department offers the best hope for the effective and sane management of our resources and environment.

Such a department, Mr. President, is at the top of our association's priorities as we have previously inidcated to both the Republican and Democratic National Platform Committees. We believe that a reversal of the present erosion of environmental quality is mandatory for the very survival of our grandchildren—and very possibly our children. Only a total commitment by the federal government will be sufficient. The professional manpower, the heavy funding, the multiple projects are needed now, not tomorrow. For tomorrow may otherwise be of only academic interest.

The signs are clear. Blight is spreading at an almost uncontrollable rate in our lakes and rivers and air. The garbage, junk and litter of our highly industrialized, rapidly consuming society are piling up and no one, it seems, knows what to do with it. Factories and housing developments encroach upon our park and recreation lands, forests and wilderness areas, destroying what man cannot replace and diminishing our leisure opportunities.

The next generation has already adopted environmental quality as its cause. The young people have good reason. They have sensed that each generation must be bound as a trustee of the environment for future generations. Their elders seem unable to turn away from a course of destruction. It is not only the quality of our children's lives that is endangered, but their very lives.

If you will take the bold steps toward a national policy on the environment, Mr. President, by proposing a new federal department with appropriate and adequate financial and other essential resources, the National Recreation and Park Association—with its 30,000 members representing the leaders of the nation's park, recreation and conservation movement—will support you in the endeavor. We shall, in addition, provide you with all the counsel and assistance at our command.

It would be our hope, of course, that such a department would include a Leisure Services Administration which would incorporate all federal activities related to park and

recreation facilities, programs and services. The Bureau of Outdoor Recreation within the Interior Department, created in 1962, was intended to become the federal focal point for leisure affairs but of necessity has concentrated on outdoor activities. The need for indoor facilities and programs is equally pressing. Only a restructuring of the federal apparatus to embrace the total park and recreation related aspects of human and natural resource management will suffice.

On behalf of the board of trustees of the National Recreation and Park Association, I urge this action and pledge you and your Administration our support for its implementation.

Sincerely,

SAL J. PREZIOSO.

THE MENACE OF MORAL POLLUTION

Mr. DODD. Mr. President, the press these days is full of articles about the many different ways in which we are polluting our environment. We are now committed to a massive program intended to control this pollution. On this issue, we are all agreed.

The thought recently occurred to me that environmental pollution was only part of the problem and that our country is gravely afflicted by another form of pollution, far more insidious and perhaps far more dangerous to our Nation.

This is the danger of moral pollution.

There have been alarming developments in our country in recent years suggesting the existence of a progressive moral and spiritual erosion. The soaring crime rate with the related tremendous increase in juvenile delinquency is one symptom of this erosion.

Another symptom is the open rejection of all authority and all value by so many of our young people, and the open embrace of a shameless nihilism whose only objective is destruction.

A third symptom is the breakdown of parental and religious influence.

A fourth is the widespread rejection of patriotism by so many our high school and college students.

The menace of moral pollution stems from three basic sources:

First, the runaway increase in the use of drugs of all kinds, ranging from marihuana to pep pills to heroin. Second, there is a rising flood of pornography which now threatens to inundate our country. Third, there is the unbroken diet of crime and violence which our TV programs feed to millions of young people.

Because it is high time that we start talking about the menace of moral pollution as well as the menace of environmental pollution, I addressed myself to this subject in a recent speech before the Order of the Eastern Star in New London, Conn. I ask unanimous consent, Mr. President, to have printed in the RECORD at this point the complete text of my remarks on that occasion.

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

THE MENACE OF MORAL POLLUTION

All of us are alarmed, and justifiably so, over the upward spiraling crime rate and over the terror that now stalks our city streets at night.

But there is another development of the past decade which I consider even more alarming in terms of its significance for the future of our nation.

The recent years have witnessed a growing breakdown of those moral, religious and patriotic values on which our nation rose to greatness, and which have helped us to surmount the crises we have encountered along the road of our history.

Hundreds of thousands of our young people have turned their backs on all values and all authority.

The more radical of them have turned to the perverted religion of nihilism, and they now seek to tear down, in their purposeless rage, the country that gave them birth and the freest society that man has yet devised.

They want to tear down our universities, tear down our institutions, tear down religion, tear down everything that they consider part of "the establishment".

The New Left militants underscore their rejection of traditional values by affecting strange appearances; by substituting obscenities for the English language; by making pornography a way of life; by demonstrating against the government on the Vietnam war and on every other conceivable issue; and by burning the American flag and sometimes writing four-letter words across it.

They claim to be acting as champions of freedom and foes of tyranny. But they vent all of their anger against their own free society, whose weaknesses and shortcomings they magnify a thousandfold. And because Communism seeks the total destruction of America, they automatically and irrationally identify with Castro and Mao and Ho Chi Minh, ignoring the merciless suppression of freedom under Communism as well as the tens of millions of human beings whose lives have been snuffed out by Communist tyranny.

They are not interested in past history. They have contempt for their parents, contempt for their elders, contempt for their teachers, contempt for the sages and wisdom of the past.

They believe that the entire purpose of life is self-gratification; and in their never-ending quest for self-gratification they take to marijuana and pep pills and LSD and heroin, and they seek enhanced stimulation by immersing themselves in obcenity and perversion and what they call "group sex".

The hard-core militants among the New Left number only some tens of thousands, and there would be no serious reason for concern if the phenomena I have described were limited entirely to them.

But, through the anti-war issue and other issues, some legitimate, some phony, they have been able to take into tow hundreds of thousands of innocent and idealistic young people, and they have been able to infect them with some of their own contempt for established authority and traditional values.

This erosion of national morale has reached the point where it now constitutes a serious problem in our armed forces, so that in recent months there have been reports of GI's and officers in Vietnam participating in anti-war demonstrations.

What is happening in our country today is in many ways frightfully reminiscent of what took place in ancient Rome before the collapse of the Roman empire.

In ancient Rome, too, there was a progressive erosion of national morale.

Then, as now, people scoffed at traditional values, rejected discipline, and sought self-gratification in a crescendo of sensual orgies.

An undisciplined and orgiastic society is, by definition, a sick society. In the case of ancient Rome, the sickness was fatal. And unless we can find some way of reversing the trend, there is a serious danger that this sickness may also be fatal to America.

We are now committed to a massive program intended to control the pollution of our environment. I support this program without reservation; indeed, I believe that it is long, long overdue.

But unless we take measures to control the spiritual and moral pollution of American society, the fight against environmental pollution will be meaningless.

Unlike the problem of environmental pollution, dealing with the problem of moral pollution does not require untold billions of dollars.

What it requires is, first, understanding; and, second, a determined effort by government and public to do those things that must be done.

First of all, I believe that we must act without delay to deal with the drug situation.

Not too many years ago drugs were a rarity on our college campuses. Today it is estimated that a majority of our college students at one time or another have smoked marijuana, while many of them have become heroin addicts.

Nor is this phenomenon confined to our colleges. Reports from across the nation indicate that drugs are almost as prevalent in our high schools as they are in colleges, and that the use of drugs has in fact filtered down to elementary school level.

As chairman of the Senate Juvenile Delinquency Subcommittee, I have presided over extensive hearings on the drug problem. On the basis of these hearings, I introduced legislation designed to assist our law enforcement authorities in cracking down on the pushers and on the crime syndicates behind the pushers. At the same time my legislation proposed more lenient penalties for drug users, especially for first-time offenders; and it gave judges wide latitude in suspending sentence or in putting first offenders on probation so that they would not have felony convictions recorded against their names.

I am happy to be able to inform you that this legislation was approved by the Senate on January 28, and all the indications are that it will become law at a very early date.

The rising flood of pornography that is threatening to inundate our country is another aspect of the problem of moral pollution.

Our bookshelves are filled with pornographic paperbacks and magazines.

Pornographic films that would have brought criminal convictions not so many years ago are now being shown in public movies across the country.

The mails are flooded with pornographic material and devices, which are frequently opened on arrival by minors.

The cumulative impact of all this on our young people is nothing short of disastrous, because it serves to destroy all sense of sexual morality, it makes a mockery of marital fidelity and it tends to make a norm of obscenity and licentiousness and perversion.

For some time now my staff at the Senate Subcommittee on Juvenile Delinquency has been investigating the problem of pornography, and arrangements have now been made to hold hearings on several legislative proposals in the month of March, jointly with the Subcommittee on Constitutional Rights.

It is my expectation that these hearings will result in legislation that will give our law enforcement authorities clearer guide lines and that will enable authorities to curb the flood of unsolicited pornographic mail.

Beyond the control of narcotics and pornography, there are other, more basic problems that have to be tackled.

In seeking to overcome the alienation which has estranged so many young people from their society, from their history, from their religion, and from all traditional values, it might be useful to start with a reexamination of our entire educational system.

EDUCATION: THE SCHOOLS AND THE TV NETWORKS

The purpose of education is not simply to instruct people in the three R's and in the sciences and humanities. Its larger purpose is to mold character and to produce rounded men and women; men and women who have a firm commitment to moral values, who are free from the prejudices that have blinded previous generations, who have a sacred regard for the dignity of their fellowman, whose dedication to the democratic process leads them to respect the opinions and the rights of others; men and women who have a sense of responsibility to society and who are patriots in the best sense of the word.

The fact that the end product of our educational system is frequently so far removed from this objective should give us all reason to pause and consider, and to try to find out what is wrong and what can be done to remedy it.

The problem does not entirely hinge on our schools, however, since the close of World War II television has become an informal part of our educational system. Indeed, its total impact on the outlook and morality of our young people may far exceed the impact of our public school system.

According to a recent study, the average high school graduate on entering college has been exposed to some 20,000 hours of TV viewing. Against this kind of concentrated daily exposure, parental influence becomes, at the best, of secondary importance.

A number of years ago I held extensive hearings on the subject of crime and violence on TV and its impact on juvenile delinquency. This is an area in which it is difficult to legislate because the TV networks can always invoke the protection of the First Amendment. But I did exact a promise from the network directors at the time that they would review their programming with a view to improving quality and reducing the emphasis on crime and violence.

I must say in all frankness that the networks have not lived up to this promise. Because of their failure to act on their own, I have instructed my staff at the Juvenile Delinquency Subcommittee to devise legislation that will oblige the networks to recognize their responsibilities and to police the contents of their own programs.

But it is not just a matter of overemphasis on crime and violence. I am afraid that our network programs tend to encourage the hypocrisy and materialism which are already far too rampant in our society; and, at the same time, they fail to inculcate a sense of positive values, and they exacerbate the tendency to reject religion and authority and patriotism.

What can we do to improve the quality of our educational system and of our TV programs?

First of all, if our young people are to be imbued at an early age with a sense of decency and responsibility and basic morality, it is essential that we reform our educational system from the first grade on up, and re-evaluate our TV programs with a view to giving the entire process of education, in the schoolroom and on the TV screen, an affirmative ethical content.

Instead of just teaching our young people the three R's and the hard, cold facts of science and history, we should seek to devise school curricula and TV programs that will develop in them a capacity for moral judgment, an ability to distinguish right from wrong, which so many of our young people today regrettably appear to lack.

THE SPECIAL ROLE OF PATRIOTISM

And we must also seek to shape our curricula and our TV programming so that our high school and college students will not look upon "patriotism" as a dirty word, but will look upon it, rather, as a natural and proper commitment to all that is great in their country's history, and as a challenge to all that is best in them.

Thomas Jefferson, one of the great historic heroes of most of our young people, was an unabashed patriot who called upon his countrymen "to let the love of our country soar above all minor passions." It is a sad commentary on our times that many of our young people would today consider Jefferson's appeal "square" or outdated.

It may be that many of our young people have come to reject patriotism because the word has been so abused by a variety of right-wing extremists who speak with the strident voices of intolerance and bigotry.

I must say that I share the contempt of our young people for this fraudulent variety of patriotism. Although such patriots drape themselves in red, white and blue in the daytime, their uniform at night is sometimes the white sheet.

But this kind of counterfeit patriotism bears the same relationship to true patriotism that counterfeit money bears to genuine currency.

True patriotism is a dedication which leads us to cherish the concepts of human equality and freedom and democratic government which our fathers brought to the world; which inspires us to strive constantly to improve the qualities of our own freedoms, to defend freedom wherever it has taken root, and to help to extend it where we can reasonably do so.

In our heritage are ideals that will be as young a thousand years from now as they were when the Founding Fathers first enshrined them in the American Declaration of Independence.

Here are ideals to which the most idealistic of our young people can subscribe enthusiastically.

A man without patriotism is like a man without roots, who lacks direction, is incapable of dedication and is at the mercy of every wind that blows.

That is why those of our young people who reject patriotism also tend to reject all established authority and traditional values in the process.

This month we shall be celebrating the birthdays of our two greatest Presidents, George Washington and Abraham Lincoln. Washington and Lincoln were men of monumental nobility and vision, men who, by common consent, stand in the very first ranks of all time. Both of them regarded patriotism as one of the most fundamental of all virtues.

In his Farewell Address Washington said, "The name of America must always exalt the just pride of patriotism."

And Lincoln, at the height of the Civil War, wrote to Edwin Stanton: "Patriotic devotion is the foundation of all else that is valuable in this great national trial."

We are now caught up in another great national trial which calls just as urgently for the quality of true patriotic devotion.

The problem before us is how to help our young people rediscover the meaning of American patriotism, to recommit themselves to those ideals which gave birth to our nation, and, in the memorable words of our martyred President, John F. Kennedy, to ask not what their country can do for them, but to ask, rather, what they can do for their country.

BRIDGING THE GENERATION GAP

Mr. MATHIAS. Mr. President, in a day when we all are aware of the problem of the so-called generation gap, it is heartening to learn of a combined effort by eager youth and dedicated adults to bridge that gap.

Such an effort has been made in Taneytown, Md., in the establishment of a youth center known as The Scene.

A combination of clergy, lay adults, and enthusiastic teenagers, with cooperation from the local business community, has created a lively youth center in what was an empty store front.

Mr. President, I ask unanimous consent that an editorial from one of Maryland's fine daily newspapers, the Frederick Post, calling attention to this development, be printed in the RECORD.

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

[From the Frederick (Md.) Post, Jan. 31, 1970]

TANEYTOWN MAKES "THE SCENE"

Taneytown's youth, with the assistance of dedicated advisers, have built a bridge across the generation gap.

And its very modesty is an endorsement of its program. Known as "The Scene," it doesn't look like much from the outside, being a modest little white frame store front on East Baltimore Street, tucked into a narrow space between two larger buildings.

But it's a different story on a Saturday night. Then "The Scene" comes to life. It swings. It is a place for the teenagers to gather, an electronic world of heavy rock music, posters on multi-colored walls.

It speaks of youthful freedom, laughter and discovery.

And "The Scene" is the answer of an entire community to a crying need.

Before it opened last October young people of the community had no place to go. Through the co-operation of the teenagers and local organizations "The Scene" was created.

The response to the needs of the youngsters was so pronounced that some of them were surprised. In the words of one teen-age girl, "The generation gap closed a little."

One of the leading forces behind "The Scene," the Rev. Maurice A. Arsenault, calls it a dream that became a reality.

It had its inception last April when a group of young people gathered at St. Joseph's Church to discuss the lack of activities in Taneytown for young people.

The pastor points out that of all the suggestions offered at the meeting one stood out. This was the grave need for a place where young people could congregate for recreation, dancing, fellowship and other praiseworthy activities.

And it had to be a place they could "call their own"—a youth center.

The Taneytown Bank and Trust Company donated use of the building for $1 a year. And a youth council went to work to renovate and furnish it with the help of many individuals and groups in the community.

"In the following weeks, everyone worked hard cleaning, painting, repairing and furnishing the building," comments the Rev. Mr. Arsenault.

And it is significant that there was no organized fund drive. All of the individuals and organizations aiding offered their help spontaneously.

"The Scene" opened last October to a near-capacity crowd of 80 teenagers. Now it has 120 on its rolls.

SCHOOL INTEGRATION

Mr. GOLDWATER. Mr. President, in the latest edition of Newsweek magazine there appears an article by Stewart Alsop entitled "The Tragic Failure." This article should be read by every Member of Congress because in it Mr. Alsop is saying precisely what the debate on this floor for the last week has been trying to say but has not quite broken through.

Mr. Alsop comes to the conclusion: "The idea to integrate this country's schools is a failure." His theme is pretty much the same as I have been contending all of the years I have been associated with this body; namely, legislation in the field of civil rights can go only so far and produce only so much, and, particularly in the field of education, legislation is not going to solve the problems as seen by me or my colleagues.

So that those colleagues who are too busy to read this magazine might have the chance to peruse this article, I ask unanimous consent that it be printed at this point in the RECORD.

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

THE TRAGIC FAILURE

(By Stewart Alsop)

WASHINGTON.—Surely it is time to face up to a fact that can no longer be hidden from view. The attempt to integrate this country's schools is a tragic failure.

There are good reasons why this fact should be hidden from public view. To admit that it is a fact is to delight every racist and reactionary in the land. Moreover, the failure of integration is a failure of the American system itself, of the whole *mythos* of the melting pot. Yet truth, like murder, will out, and there is no longer any escaping the plain truth that integration is a failure.

Among those who know the realities, that ugly truth is almost universally recognized. This reporter, no educational expert himself, read the first paragraph of this report to a dozen or more people who do know the realities. What was surprising was the similarity of their reactions. Here, for example, are the reactions of three leading Negroes:

Ben Holman, director of the Justice Department's Community Relations Service: "Of course it's true. I started out at 14 picketing for integration, but it's just not going to work. We've got to admit publicly that we've failed, so we can stop pursuing this phantom, and concentrate instead on gilding the ghetto—a massive diversion of manpower and money to the central city schools."

Dan Watts, editor of The Liberator, intellectual organ of the black militants: "You're so right. There's more race hatred in New York today than there is in Mississippi, and it all goes back to the schools. It's a traumatic experience, anyway, for a black kid to be bused clear across town for the privilege of sitting next Miss Ann . . . we've got to move away from integration and toward coexistence."

Julius Hobson, Washington's leading black militant: "Of course—integration is a complete failure . . . what we've got is no longer an issue of race but of class, the middle class against the poor, with the Federal government standing idly by . . . the schools in Washington have deteriorated to a point almost beyond repair—if I could afford it, I'd send my own children to a private school. . . . I have an opinion I hesitate to voice, because it's too close to George Wallace, but I think it's time we tried to make the schools good *where they are* . . . the integration kick is a dead issue."

White liberals are more reluctant than blacks to acknowledge that "the education kick is a dead issue." Here, for example, is James Allen, U.S. Education Commissioner: "You have to have an optimistic view, or you'd go nuts in this game . . . We thought the problem could be settled in a decade or two, but we were wrong . . . there is no good way out at any time in the immediate future, and we've just got to face that fact."

MORE REACTIONS

Here (in a tone of anguish) is Richardson Dilworth, liberal Democrat, former mayor of Philadelphia, and president of that city's Board of Education: "I've never seen the cities in such terrible shape . . . people don't listen, they just scream at us, and at lot of the whites are worse than Georgia rednecks. But I just don't think you can give up on integration. If you do, the cities are lost."

Here is Dr. Alan Westin of Columbia University, an educational expert: "We've got to make sure that we don't sell out integration where it's been successful—in Teaneck, N.J., where I live, for example. But that's admittedly an atypical situation. Where integration has failed, the answer may be some sort of biracialism . . . but if the white doesn't want to integrate, he damn well better be prepared to pay . . ."

Here is Richard Scammon, the best political statistician-analyst in the business: "The danger is that you could have a white working-class revolt against the Federal judiciary and the whole liberal Establishment. For example, Denver votes 70–30 against busing and the courts reverse the people's decision. The up-tight white liberals think the way a soldier does—somebody else is going to get it, not me. Justice Douglas talks about a violent revolution against the Establishment. One day the working-class whites may take his advice—and hang Bill Douglas."

As these excerpts suggest, there has been very recently a sort of sea change in national opinion, both black and white, on the integration issue. Last week, for example, The New York Times, the bellwether liberal newspaper, published two devastating reports. The articles, which had a heavy impact on Capitol Hill, reported "conditions of paralyzing anarchy" in some integrated New York City schools, and "racial polarization, disruptions, and growing racial tensions . . . in virtually every part of this country where schools have substantial Negro enrollments."

Also last week, Sen. Abraham Ribicoff of Connecticut, one of the shrewdest and most perceptive politicians on Capitol Hill, rose to brand the North "guilty of monumental hyprocrisy" on the race issue. In the colloquy that followed, Ribicoff gave this chilling description of the American school system:

"When we have a school system ready to blow up across the nation, when teachers have to be escorted to school by police, and when students are fighting one another in the schools and classrooms, we have a civilization in disintegration."

The implication is clear—that integration threatens disintegration. But if integration is a failure, what is to be done?

REALITIES

Again, what is surprising is how often the same note is struck by those who know the realities. First, "don't sell out integration where it's been successful." The bridges between the races are too few and fragile anyway, and they must be preserved at all costs. The best way to strengthen and increase them, as Ribicoff suggests, is not to try to force middle-class whites to send their children to school in the ghettos, but to open up middle-class jobs and the middle-class suburbs to Negroes.

Second, as Julius Hobson says, "Make the schools good where they are." On this point, all those consulted by this reporter are in agreement. "We should proceed to upgrade the schools where they are now," says John Gardner, chairman of the Urban Coalition, "and not sit around waiting for integration that may never happen." Given the eroded tax base of the central cities, all agree, only the Federal government can really do the upgrading job.

Finally, both black militants and white liberals seem to be reaching out for a new relationship—what Dan Watts calls "coexistence," and Alan Westin calls "biracialism." Both words are disturbing, for there is in them an echo of that discredited phrase, "separate but equal." And yet it is always better to proceed on the basis of a recognition of what is, rather than what ought to be. And it has become impossible to hide from view any longer the fact that school integration, although it has certainly been "an experiment noble in purpose," has tragically failed almost everywhere.

THE WATER POLLUTION CONTROL PROGRAM

Mr. MATHIAS. Mr. President, the lead editorial in the Evening Star today speaks volumes in a few short paragraphs. It presents a point of view that I represent. I ask unanimous consent that it be printed in the RECORD, because it should be widely disseminated in the Congress and the administration.

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

NOW YOU SEE IT

A while back, we had some words of praise for the Nixon administration's decision to release $800 million in federal clean-water funds. The money—or so we thought—was to go as matching funds to the states in partial repayment for sewage treatment expenditures undertaken at the urging of the federal government.

This was, it seemed, a belated acknowledgment of the federal obligation to the states, as spelled out under the Clean Water Act of 1965. But things are not, as the saying goes, always as they seem. Not when the administration spokesmen start rewriting the script.

That $800 million, according to the new official line, will not actually go to paying the states back for those projects that have already been completed. To qualify for a cut of it, the states must undertake new projects before June. Anything left over after the new projects are paid off will be available to pay off the old debts. This, the federal spokesmen explain, they are entitled to do because of some vague wording in the 1965 act.

At least that's what the administration seems to be saying.

If that indeed is the new plan, it is highly dubious environmentmanship. What it does, in effect, is to penalize those states that took the federal government at its word, and reward those that have dragged their heels. It may save a buck for the administration during fiscal 1970. But it will also make the states justifiably reluctant to pick up the tab for any future anti-pollution programs based on a vague promise of future repayment from a proven welcher.

It is entirely possible that some other explanation of what is happening to the $800 million will be forthcoming. Perhaps we are still wrong in our understanding of federal intentions. Considering the confused explanations that have come out so far, we feel no obligation to apologize for any uncertainty.

We are, however, tired of trying to follow the $800-million pea while the shells are shifted by a battery of federal pitchmen.

Maryland's governor, Marvin Mandel, displayed a healthy skepticism when he was told of the federal decision to release the matching funds. With a caution born of months of fruitless pleading with Washington to cough up the $13.4 million that his state was owed, he pointed out that promises of payment were an old story and that he would believe that the money was coming when it arrived.

The federal government is about to undertake a $10 billion clean water program, promising to match $6 billion in state expenditures with $4 billion in federal funds. State governments can be expected to take note of Washington's low credibility rating and to

examine the wording of any new bills for fine-print escape clauses. They should hesitate, before plunging ahead with costly plans until they are certain that the federal obligation is something more than a contract written on the water.

IMPROVING OUR ENVIRONMENT

Mr. PACKWOOD. Mr. President, we are all concerned about protecting our environment and improving the quality of living for all Americans. Certainly, it is gaining the attention and concern of all age groups.

Third graders in Mrs. Bessonette's class at Phoenix Elementary School in Phoenix, Oreg., are learning about this subject matter from a concerned teacher. I commend Mrs. Bessonette and the students in her class who are taking the time to study this vital issue and who took time to write me and tell me of their concern.

I ask unanimous consent that five selected letters which I received from this class be printed in the RECORD.

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

PHOENIX ELEMENTARY SCHOOL,
Phoenix, Oreg., January 29, 1970.

DEAR SENATOR PACKWOOD: We are writing to you about Pollution and how bad it is. I am wondering if we can stop it in time to live. It is killing us and our time is just about up. If we don't stop polluting our planet we will all die, including our earth. We need to stop cutting down so many of our trees. We are washing away our soil. If the whole world works together we will stop Pollution.

Yours sincerely,

ADRIENNE ENGLE.

PHOENIX ELEMENTARY SCHOOL,
Phoenix, Oreg., January 26, 1970.

DEAR SENATOR PACKWOOD: I am scared to death from what I've read about air and water pollution. It is so bad I wish it could stop. It's killing animals and fish and I love fishing so much. When I was by the Ktomath River, I was shocked to see a fish hatchery dumping fish waste and baby salmons in the river.

Yours sincerely,

CARL RONER.

PHOENIX ELEMENTARY SCHOOL,
Phoenix, Oreg., January 29, 1970.

DEAR SENATOR PACKWOOD: Mrs. Bessonette's class is very interested in pollution. It is terrible that people smoke and take drugs. The cars they make are bad. The motors are polluted.

Yours sincerely,

LYNN REILL.

PHOENIX ELEMENTARY SCHOOL,
Phoenix, Oreg., January 29, 1970.

DEAR SENATOR PACKWOOD: We have been studying about pollution. This land has been real ugly and we want to clean it up. Wildlife habitats are disappearing. Stop pollution. I would like to know why people like to pollute.

Yours sincerely,

DEBRA TERPENING.

PHOENIX ELEMENTARY SCHOOL,
Phoenix, Oreg., January 29, 1970.

DEAR SENATOR PACKWOOD: I think we should stop DDT because it is killing our animals and fish. I think we should stop all together, the whole world. DDT is so bad that we will be dead, too. The President is concerned, too. I wish the whole Nation was concerned, too, like we are, and you are, and the President.

Sincerely yours,

WAYNE LEE CALLICOTT.

FOLA LA FOLLETTE DIES

Mr. NELSON. Mr. President, Wisconsin and the Nation lost a brave crusader when Fola La Follette succumbed to pneumonia yesterday at the age of 87. An actress, women's suffrage leader, and a frequent participant in labor protests, Miss La Follette was the daughter of the late U.S. Senator Robert M.—Fighting Bob—La Follette, and sister of both the late U.S. Senator Robert M. La Follette, Jr., and the late Philip F. La Follette, former Governor of Wisconsin and aunt of Bronson La Follette, former attorney general of Wisconsin.

The Washington Evening Star, in an obituary, points out that "she performed on Broadway with leading stage stars of the 'gaslight' era for 10 years." She had the leading role in "The Scarecrow" and in her husband's "Tradition." The obituary in the New York Times quotes a 1953 review by Henry Steele Commager of the two-volume biography Miss La Follette wrote of her father:

What we have here, in sum, is a wonderfully rich and detailed personal account that goes far to restore to us one of the giants of the past generation, a lion-hearted champion of democracy and of reform.

There was much of Fighting Bob La Follette in his daughter. I ask unanimous consent that the obituaries be printed in the RECORD.

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

[From the New York Times]

FOLA LA FOLLETTE, SUFFRAGE LEADER—ACTRESS AND DAUGHTER OF A SENATOR DIES AT 87

Fola La Follette, a suffrage leader, actress and daughter of the late Senator Robert M. La Follette of Wisconsin, died of pneumonia yesterday at a hospital in Arlington, Va. She was 87 years old.

Miss La Follette retained her maiden name after her marriage in 1911 to the late playwright George Middleton. At suffrage meetings in New York, she explained that her husband had approved of her decision and that she believed the time was coming when all women would keep their family names upon marriage. Miss La Follette told one group that mothers must fight for the right to make laws that govern their children, and she added: "A good husband is not a substitute for the ballot."

In addition to her efforts to establish women's right to vote, Miss La Follette was active in labor protests and helped in the formation of Actors Equity.

She also made campaign speeches on behalf of her famous father and after his death in 1925 edited and completed a biography of the Senator that her mother, Belle Case La Follette, had left unfinished at her death.

In a review of the two-volume book, in the New York Times, on Dec. 20, 1953, Henry Steel Commager wrote. "What we have here, in sum, is a wonderfully rich and detailed personal account that goes far to restore to us one of the giants of the past generation, a lion-hearted champion of democracy and of reform."

Miss La Follette's brother, Robert Jr., was elected to succeed his father in the Senate and was re-elected to full terms in 1928, 1934 and 1940. Her father and another brother, Philip, also served as Governors of Wisconsin.

Miss La Follette was an actress for 10 years, appearing in such plays as Percy MacKaye's "The Scarecrow," and the Broadway production of her husband's "Tradition."

Survivors include a sister, Mary.

[From the Washington Star, Feb. 17, 1970]

FOLA LA FOLLETTE, 87, DIES; DAUGHTER OF LATE SENATOR

(By Richard Slusser)

Fola La Follette, 87, daughter of the late Sen. Robert M. La Follette of Wisconsin, died of pneumonia today in Arlington Hospital. She had been hospitalized since Jan. 30 after falling and breaking a leg at her home, 3908 N. 4th St., Arlington.

Although married to playwright George Middleton, who died three years ago, Miss La Follette continued to use her maiden name both personally and professionally after her marriage in 1911. The name also appeared on her apartment door while she was married.

Born in Madison, Wis., she was the oldest child of "Fighting Bob" La Follette, founder of the Progressive Party, and sister of Sen. Robert M. La Follette, Jr., who died in 1953. Another brother, former Wisconsin Gov. Philip Fish La Follette, died in 1965. Her sister, Mary, lives in Washington.

Politics, of course, was an important part of Miss La Follette's life, but she also was an actress, author and women's suffrage leader. She spent her early years in Madison and attended the University of Wisconsin, from which she was graduated with honors, while her father was governor.

PERFORMED ON BROADWAY

After roles in student dramatic productions at the university, she performed on Broadway with leading stage stars of the "gaslight" era for 10 years.

She had the leading role in Percy McKaye's "The Scarecrow," and after her marriage appeared in the New York production of her husband's play, "Tradition."

Miss La Follette also had a leading role in the English comedy, "How the Vote Was Won," a satire on the opponents of the women's suffrage. She later gave readings of the play across the nation and helped win converts to the suffrage movement.

In 1911, she led the actresses' division in the first women's suffrage parade held in New York City. Her husband also marched in the parade.

Because of her familiarity with working conditions of acting troupes on tours in the United States and because of her interest—one she shared with her father—in the labor movement, Miss La Follette supported the formation of a union of actors. In 1913 she spoke as a supporter of Actors Equity at that organization's first meeting in New York's Little Theater. She also helped the Women's Trade Union League on a picket line in a garment workers dispute.

MOVED TO DISTRICT

She and her husband lived in a Greenwich Village walk-up apartment then, but moved to the Washington area in 1936. He was an expert on trade practices in the Justice Department.

Interested in the Progressive wing of Wisconsin's Republican Party which was headquartered in the governor's mansion when she lived there, Miss LaFollette and her husband contributed to the Progressive Party's campaign journal, "La Follette's Magazine." Her father was an unsuccessful third party candidate in the 1924 presidential election.

In 1908, when her father was leading the filibuster against the Aldrich-Vreeland emergency currency bill, she read proofs of a transcipt of his 19-hour speech.

Miss La Follette also aided her father during his filibuster against the iron ships bill in the months preceding United States entry into World War I. She was often by his side while the Senate Committee on Privileges

and Elections considered petitions for his expulsion from the Senate because of alleged anti-war statements.

WORKED ON BIOGRAPHY

Her mother, the former Belle Case, had completed 26 chapters—or what was to be one-fourth—of a biography of her husband before her death in 1931. Miss LaFollette came to Washington to begin her own research and writing, picking up her mother's account which had stopped in 1910. The two-volume biography was published in 1953.

Besides her sister she leaves two nephews, Bronson La Follette, a former attorney general of Wisconsin who was defeated in that state's 1968 gubernatorial election, and Joseph La Follette of Mamaroneck, N.Y.

GOVERNOR McKELDIN SPEAKS UP ON ENVIRONMENTAL PROBLEMS

Mr. MATHIAS. Mr. President, when Theodore R. McKeldin speaks on the issues of governmental action and inaction on environmental problems, he speaks from an experience of 8 years as mayor of Baltimore. What he says is important. It is a privilege to present a copy of his speech today delivered to the Environmental Council of the National Wildlife Federation and National Council of State Garden Clubs.

Mr. President, I ask unanimous consent that the address be printed in the RECORD.

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

ADDRESS OF HON. THEODORE R. MCKELDIN

If I were to follow the conventional pattern in discussing what women can do to better the urban environment I suppose I should go into a flowery description of your grace, your beauty, and your charm as powerful forces. I don't deny it. They are powerful forces, but if you want to get results in the present state of affairs I think you would do well to rely less on your grace, beauty, and charm than on your wrath, energy, and stubbornness. For the job in present circumstances is not to attract men, but to propel them, the glamour girl is attractive in social life, but the female nuisance is the one who gets results in the area of public affairs.

Let me assure you that this is not guesswork, it is the fruit of experience. I have served eight years as Mayor of a big city, and eight more as Governor of a state. You can tell me very little about bureaucrats that I have not learned by sad experience, but I can tell you something about bureaucrats that you may not know and perhaps will not believe. It is this: A very large proportion of them are abler and harder workers than the public believes. You can say of them what some cynic said of Calvin Coolidge when he was first nominated for Vice President: "like the singed cat, he is better than he looks." Many a city official is a singed cat—he has been given a job, but not the tools with which to do it, and the result is that he looks bad, much worse than he really is.

Specifically, in this matter of the urban environment—air pollution, water pollution, pollution of the streets and especially the alleys by litter and refuse, pollution of the parks by vandalism, pollution of the social atmosphere by the disorderly and the delinquent. For each of these there is a known remedy—I will not say a cure, but at least something that will afford some relief—but the remedy is not applied.

With all the talk about the ruin of the environment that has been going on and with the President of the United States taking the lead by his 37-point program that will require 23 legislative acts and 14 executive actions to be implemented without Congress, there isn't a local politician in the United States who doesn't know that an attack on pollution is a good campaign issue. Anything that has stirred up a lot of talk is a good campaign issue. I do not believe that in the whole country there is a single city with as many as 100,000 people that hasn't set up some kind of agency to deal with the problem—a department, a commission, a bureau, perhaps a single official, but some sort of agency to which the problem may be referred.

In other words, they have all made motions, but everybody who is at all acquainted with public affairs knows that between making motions and getting results there is a difference, a vast difference. In some cities, I have no doubt, the municipal agency set up to deal with pollution of the environment has become what is known in politics as a lame duck's roost—that is, a sinecure in which some political hack may spend the rest of his life drawing his breath and his salary and doing nothing else. All I can say is that a city that stands for that kind of thing deserves what it gets.

But not all—and, I think, not most—of them are like that. I know that in many cases, and I suspect in most cases, the head of the agency, or at least his chief assistant, is a man who has really studied the problem, and learned something about it. He knows what the remedies are and would be delighted to apply them, if he had the necessary money and men, but he has usually been given a small appropriation and a tiny staff, so the results he achieves are so small as to be practically invisible to the naked eye.

The reason that the necessary funds and people have not been supplied is very simple—the people who control the money, the Board of Estimates, the City Council, the Budget Bureau, or whatever it may be, are not convinced that the people demanding action are really serious. On the other hand, the people who are doing the polluting are very serious indeed in opposing action, because action would cost them money. When politicians are caught between people who are very determined, on one side, and people who are mildly interested but really don't care very much, on the other side, the politicians are going to satisfy the determined people, rather than the others. It's human nature, and you can't change it.

The recourse is to prove to the people who hold the purse-strings that you are just as determined as the other side. Prove that, and you have the advantage, for the people who are hurt by pollution vastly out-number those who profit by it, and where the numbers are, there are the votes. The polluters may have most of the money, and that counts a great deal, but when all is said and done a politician may survive without money—not very well, perhaps, but after a fashion—but if he cannot swing the votes, he is done for.

The lesson for women urban dwellers is plain. Organized demonstrations and indignation meetings are all very well, but what gets more action is a series of telephone calls to the agency supposed to abate that particular nuisance—say a smokestack that emits black clouds and scatters soot all over your doorsteps and window-sills. When the smoke began to pour out, if half a dozen women in the neighborhood picked up their telephones and voiced complaints, they would get action. If they all wrote letters to the local newspaper they would get action even faster.

You may say, "Yes, but I don't want to become a public pest by always calling in to complain." There is only one answer to that. It is the old adage dating back to the time when most Americans were farmers. It goes, "The wagon wheel that squeaks is the one that gets the grease."

But let me give you another tip. If the man in charge of the agency is not a lame duck, but a good man handicapped for lack of support, you won't make him mad. On the contrary, you are giving him ammunition. He can go to the Councilman from that district, saying, "See here, Mr. Councilman, every time that stack down in your district begins to pour out smoke, I get a dozen to twenty telephone calls from women down there, all as mad as wet hens, but I can't do anything because I haven't inspectors enough to catch the offender and haul him into court. But I advise you to do something to pacify that neighborhood, because they are really getting sore." That gives the Councilman a strong reason for voting for another inspector.

So it goes for all the other nuisances that make life a burden to decent people living in the city, such as clogged gutters, advertising posters glued to lamp-posts or nailed to trees, taverns that after midnight erupt a crowd of drunks yelling curses and obscenities in the street, gangs of hoodlums that roam around smashing anything ornamental from flower-beds to marble statues. If every such incident resulted in a flood of furious telephone calls and more furious letters to the editor, the official departments concerned would become wonderfully active.

To put it in more decorous language, public apathy more than anything else is responsible for the spoliation of our environment. We Americans are all too much inclined to accept the fable that George Washington made us forever free in 1776. George Washington didn't do anything of the kind. Washington only gave us the chance to be free if we have the will and the spirit to accept the chance. Each generation must accept or reject the chance that Washington gave it; that is our whole inheritance.

I forget the name of the sage who said it, but he told the truth in remarking that no nation has the best government it could have, but the worst it will tolerate. If we are so apathetic as to permit blind greed to destroy the environment, then we are not fit to live in a decent environment, and that's the bald fact. So while I yield to no man in my appreciation of the grace, beauty and charm of American womenhood, I am strongly of the opinion that the future of our nation depends less upon them than upon the American woman's spirit when she is aroused, for when her blood is up I rely on no government of mere men to oppose her. So if the urban women of America really want a decent environment they will get it, not because they are all sweetness and light but because—to misquote Barrie:

"Oh, there's gladness in her gladness when she's glad,
And there's sadness in her sadness when she's sad.
But the gladness in her gladness
And the sadness in her sadness
Are as nothing to the madness in her madness when she's mad!"

A SALUTE TO THE SMALL BUSINESSMAN

Mr. BIBLE. Mr. President, on February 20, 1950, the Senate debated and passed Senate Resolution 58 creating a permanent standing Select Committee on Small Business.

This Friday will be the 20th anniversary of that action, an appropriate time for an accounting of the past and a look at the future.

It is altogether fitting to place the brightest accolade where it belongs, and salute the 5½ million small businessmen and businesswomen in our 50 States. These are the millions of men and women

across this land who every month sign paychecks for about one-half of all jobholders, and who at the same time contribute approximately 40 percent of the country's business output.

The small businessman is the hard core of free enterprise and the heart of the American way of life. I believe I can state that the typical American small businessman is a hard-working individualist who pays his increased taxes, gripes as is his right to do; who writes to his Senator or Congressman when he needs help with a procrastinating governmental agency. He stands directly in the line of self-reliant men dating back 200 years who have played a vital role in making the United States the marvel of the business-industrial world and who have safeguarded its freedom and democratic institutions.

This committee's birthday back in 1950 seems a long time ago. The gross national product in that year was $284.8 billion; disposable personal income—in constant 1958 dollars—was $249.6 billion; and corporate profits after taxes were $24.8 billion.

Two decades later—based on the third quarter 1969 statistics—the gross national product had risen to $942.8 billion, disposable personal income stood at $514.1 billion, and corporate profits had increased to $50.2 billion. This constituted increases of 231 percent, 106 percent, and 102 percent, respectively.

The Nation's institutions may have changed their character even more than those figures indicate. We have been through two major wars, three recessions, 10 years of sustained prosperity, and an inflationary period.

ACCOMPLISHMENTS OF SMALL BUSINESS

Yet, through it all most small and independent businessmen have persisted. They have contended with swings in the economy, major shifts in Government policy, high taxes, tight money, and bad weather. The great majority have endured. Many have prospered.

For every man who has begun a business or preserved one during this period, there are groups of employees who have benefited through stability, a productive life, and a rising standard of living. Every city, town, and village across the Nation has benefited—not only in an economic sense from the money placed in circulation—but through the time, effort, and wisdom which the leaders of these local firms have brought to community activities and the solution of community problems.

Small entrepreneurs have formed what many authorities believe is the most dynamic element of our economy by quickening the rate of invention and innovation, and bringing new goods and services such as air conditioning, Polaroid cameras, the Xerox process, the self-winding wristwatch, the FM radio, and dacron polyester fiber into commercial production. It is estimated that small business now employs about 40 percent of the labor force and accounts for 46 percent of all business sales.

PUBLIC POLICY SHOULD KEEP PACE

I wish that I could be as proud of public policy in the small-business field as I am of this private activity.

It is interesting to note that the 1950 report of the Rules Committee which laid the basis for our select committee reflected that small business concerns may have enjoyed a greater role at that time—employing about 65 percent of commercial and industrial wage earners and producing 45 percent of the national output.

Concentration has grown greatly. By 1965 the top 100 companies held very nearly as great a share of productive assets as those held by the top 200 in 1950. America is in the midst of the wildest merger movement in modern industrial history. During 1969 merger activity increased 37.5 percent over the record 1968 figure with a total of 6,132 merger announcements recorded, involving assets of something over $8 billion. Government antitrust and tax policy bear a direct responsibility for these trends. The Tax Reform Act of 1969 takes one step to inhibit mergers which take undue advantage of the tax considerations, but I question whether this will be enough.

The small business programs of the Federal Government have periodically been neglected but they have never been more starved for funds than today. The fiscal year 1969 and 1970 money allowed for SBA loans stands at 58½ percent below the level recently authorized by the Congress.

In my opinion the tax reform legislation gave insufficient attention to small business needs, notably in such areas as failing to preserve a small business exemption to the investment tax credit and allowing a reasonable number of multiple surtax exemptions for the legitimate needs of family and independent firms.

In the field of transferring computer and space-age technology to small and independent business, the past year has seen sharp cutbacks and virtual elimination of several of the major Government programs for allowing small firms access to $150 billion of research and development which they and other taxpayers have financed.

While the country has taken some initiatives, it does not have an enviable record in making it possible for disadvantaged minorities to make up lost ground toward equality in business ownership and economic development.

The size of the financial effort in behalf of the overwhelming majority of small firms has been tiny and inadequate in comparison to the massive sums spent on programs in defense, space, and agriculture involving a very limited number of firms. As one example, about $100 million will be spent this year on transferring agricultural research to 3¼ million farmers. Perhaps 4 or 5 percent of this amount will be devoted to transferring industrial research to 5½ million small businessmen, and this total has been shrinking rather than expanding.

I am fearful that unless the Federal Government has a major change of heart, the small businessman who has been swimming against the tide may be overwhelmed in large numbers in the years ahead.

This committee is proud of its role in supporting the declared policy of the Congress in the Small Business Act that the Federal Government "aid, counsel, assist, and protect, insofar as is possible, the interests of small business concerns in order to preserve free competitive enterprise and strengthen the overall economy of the Nation."

Our committee will continue to do all it can to make this policy a reality.

In this worthy labor, the compliments of the committee are properly due elsewhere on this Small Business Anniversary Week. We offer a sincere tribute to the associations in Washington, D.C., who seek to protect the interests of the American small businessman. They are diligent and persuasive in that task. They have been helpful to our committee on innumerable occasions. They have been in the fight when the small business community needed them. Among these are the national organizations, the National Federation of Independent Business, the National Small Business Association, and the National Association of Small Business Investment Companies. And certainly the most dynamic, live-wire and capable regional organization is the Smaller Business Association of New England, headquartered in Boston, Mass. These organizations, their individual members, and their staffs assist tremendously in the mutual efforts to help the small businessman with his myriad of problems.

It is my hope that we can also have some additional help from around the legislative and executive branches, so that the American dream of economic independence will have as tangible a role in the future as have been its achievements of the past.

NIGERIA

Mr. BROOKE. Mr. President, I am privileged to have in my hand a most impressive letter which I have received from Maj. Gen. Yakubu Gowon, head of the Federal Military Government of Nigeria.

I believe this communication, as a whole, represents the best explanation I have yet seen of the official policy of the Nigerian Government toward the rehabilitation of its tragically war-torn land. It is the kind of communication which can only be written out of deep suffering, deep commitment, and deep faith. It is a statement which I believe deserves our highest respect, and one which I hope will merit our steadfast support as Nigeria and its people seek to achieve the admirable goals stated therein.

I ask unanimous consent that the full text of this communication be printed at this point in the RECORD.

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

SUPREME HEADQUARTERS,
Lagos, Nigeria, January 31, 1970.

HON. EDWARD BROOKE,
U.S. Senator for Massachusetts,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR: I received, with deep appreciation, your kind and encouraging message of 14th January, 1970, on the occasion of the conclusion of our painful civil war and the end of the rebellion in Nigeria. I and my colleagues in the Federal Government of Nigeria were particularly gratified by your message because of the high esteem in which you are held by all Nigerians, and

your unfailing, consistent and far-sighted advocacy of the true interests of the people of this country and of Africa as a whole. I am indeed grateful for your sincere and moving message.

As you know, we have fought this painful war simply to prevent the disintegration of our country and, above all, to assert the ability of the black man to develop and establish, here in Africa, a viable, progressive, prosperous modern state, which would contribute effectively to the process of ensuring respect and dignity for the African, and the black man everywhere. We have also fought the war always with an eye to the future reconciliation of the peoples of Nigeria and the over-riding need of achieving true and lasting unity among our people.

Now that the civil war is over, we have begun in earnest to devote our energies and efforts towards these ends. Our programmes for political and social reconstruction of the Nigerian polity were interrupted by the civil war which was precipitated by the intransigence and unreasonableness of the leadership of the secession. We will now return to those tasks, guiding ourselves by the lessons of our recent fratricidal conflict and always bearing in mind the need for real reconciliation, unity, equality and respect for the rights and obligations of all Nigerians.

Our task is, for the short term, somewhat complicated by the immediate pressing need to alleviate human suffering among the civilian population in the areas affected by the civil war. The Nigerian Government and people have given top priority to the urgent necessity of bringing food, medical aid, and other forms of assistance to our people so affected by the war. We are devoting as much of our resources and energies as possible to this effort, and we have received encouraging co-operation and offers of assistance from friendly Governments and peoples in different parts of the world. You will be aware that the President of the United States of America had generously made available to us equipments, medicaments, and other facilities needed for this programme. I should like to take this opportunity of indicating, once again, our sincere appreciation of this ready assistance from the Government of the United States of America.

As we apply ourselves to our nation's problems in the days ahead, whether short term humanitarian assistance to bring succour to our people or long term plans for rehabilitation and reconstruction of the country, it is comforting to know that we have friends like you, my dear Senator, on whose honest and sincere interest we can rely. For our part we are determined to make a success of our independence and our nation. It is our fervent determination to succeed and our sincere belief that, God helping us, we will.

With my very best wishes to you and your family,

Yours most sincerely,

Maj. Gen. YAKUBU GOWN,
Head of the Federal Military Government, Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria.

THE HIGH COST OF THE VIETNAM MORATORIUM

Mr. DODD. Mr. President, yesterday, there came to my attention a copy of a letter to the editor dealing with the high cost of the Vietnam moratorium. The letter was written by Mr. C. C. Moseley, one of our leading businessmen who serves as president of the grand Central Industrial Centre.

In his letter, Mr. Moseley itemizes the cost of the moratorium to the taxpayers and to private business interests. He comes up with the finding that the moratorium cost the taxpayers more than $1.5 million, while it cost private business almost a quarter of a million dollars.

We are all in favor of the right of dissent and the right of peaceful assembly. But the Founding Fathers, when they wrote the Constitution, certainly did not intend that the taxpayers of our country would underwrite the costs of dissenting demonstrations to the tune of more than a million and a half dollars.

For it is difficult indeed to stretch the concept of peaceful assembly to cover a situation in which 606 people are injured and 361 arrested, while extensive damage is done to 20 Government buildings and 503 private buildings.

Mr. President, there is much food for thought in Mr. Moseley's letter to the editor, and I, therefore, ask unanimous consent that the complete letter be printed in the RECORD at this point.

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

GLENDALE, CALIF.,
February 13, 1970.

DEAR EDITOR: It is hoped that the "silent majority" will become less silent when events such as the following are disclosed—

The three-day Vietnam Moratorium in Washington, November, 1969, cost you, the taxpayers more than $1.5 million and cost private business interests an estimated $240,000. A summary of the Moratorium is as follows: 606 injured; 361 arrested; $240,000 damage to 503 private buildings; $10,000 damage to 20 government buildings; $6,000 damage to 76 law enforcement vehicles; $12,000 damage to parks; $936,088 military operation costs; $473,776 law enforcement overtime pay; $38,497 Department of Justice support personnel; $91,761 General Services Administration; $8,500 debris removal.

Let the "silent majority" became vocal in order that events like this Moratorium will be curtailed in the future.

Sincerely,

C. C. MOSELEY,
President.

(Sent to 1,800 newspapers.)

ANNIVERSARY OF LITHUANIAN INDEPENDENCE

Mr. ALLOTT. Mr. President, it is a pleasure to join with other Members this week in paying tribute to the Lithuanian people.

This week we are marking the anniversary of the founding, 52 years ago, of the modern Republic of Lithuania. This was a high point in the long history of the Lithuanian people, who were first formed into a state more than 700 years ago.

Mr. President, this dangerous century has been especially unkind to the Lithuanian people. The freedom enjoyed by the Republic of Lithuania was short lived.

During the early days of World War II, Lithuania was caught in the pincer of collaboration between the Soviet Union and Nazi Germany.

Acting on the basis of secret agreements with their Nazi allies, the Soviets invaded Lithuania June 15, 1940. Thus was the light of liberty extinguished for a great people.

Mr. President, the United States has never recognized the Soviet Union's criminal annexation of Lithuania. We continue to recognize the independent Lithuanian Government, which maintains representation in Washington.

It is an honor to join with other Members and with the Lithuanian American community in reaffirming our support for freedom in Lithuania and in her sister Baltic States.

AN EXPERIMENTAL INCOME MAINTENANCE SYSTEM

Mr. HARRIS. Mr. President, I recently introduced the National Basic Income and Incentive Act. In the course of my remarks at that time, I alluded to preliminary findings of an experimental income maintenance system sponsored by the U.S. Office of Economic Opportunity in several New Jersey cities. These findings, I pointed out, make clear that the kind of program I have proposed would create and build individual initiative and incentive, while the present welfare system destroys initiative and traps people in poverty.

Today, the Office of Economic Opportunity released more details of the preliminary results of this 18-month experiment being conducted by the University of Wisconsin Institute for Research on Poverty, in conjunction with Mathematica, a Princeton, N.J., research firm. Among other things, the report concludes:

There is no evidence that work effort declined among those receiving income support payments. On the contrary, there is an indication that the work effort of participants receiving payments increased relative to the work effort of those not receiving payments.

Low income families receiving supplementary benefits tend to reduce borrowing, buy fewer items on credit, and purchase more of such consumer goods as furniture and appliances.

The family assistance program, excluding the day care program and work training provisions, can be administered at an annual cost per family of between $72 and $96. Similar costs for the current welfare system run between $200 and $300 annually per family.

NATIONAL MATERIALS POLICY

Mr. BOGGS. Mr. President, the Senate Subcommittee on Air and Water Pollution resumes this Friday its hearings on S. 2005, the proposed Resource Recovery Act, which I have had the honor to cosponsor. In addition, I have submitted an amendment to S. 2005 that would establish a National Commission on Materials Policy to examine and evaluate our national use of materials, emphasizing the need to develop knowledge to improve methods for recycling materials.

Harold Gershowitz, executive director of the National Solid Wastes Management Association, recently evaluated the bill and the amendment in a column appearing in Solid Wastes Management magazine. The article is entitled "Time for Serious Study of Recycling Is Now."

As we approach the reopening of these important hearings, I believe it would be valuable for Mr. Gershowitz' evaluation to be studied by all my colleagues. Therefore, I ask unanimous consent that the article be printed in the RECORD at this point.

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

[From Solid Wastes Management magazine, February 1970]

FROM WASHINGTON: TIME FOR SERIOUS STUDY OF RECYCLING IS NOW

(By Harold Gershowitz)

There is considerable discussion these days, in Washington and throughout the industry, about resource recovery as a national policy. Much of this dialogue represents new and fresh thinking that is meritorious.

As the National Academy of Engineering/National Academy of Sciences stated in their excellent report, *Policies For Solid Wastes Management*: "There can be no reasonable doubt that a major long-term objective of any wastes management system must be to return the value fractions of the resource inventory."

The report acknowledges that we will never achieve utopia with 100 percent recycling, but that major fractions can have utility value and, therefore, the time has come to begin studying the feasibility of such recovery.

It is recognized that "risk capital" or significant development funds will have to be made available and that hard-headed realism will be essential in attempting to eliminate those schemes which will ultimately fail. If we can cut through the barrage of commentary which would have us believe that America's solid wastes mix is a modern-day California gold rush waiting to happen, we will find considerable dialogue worthy of serious consideration and discussion.

A good example of such thinking might well be the Boggs amendment to S. 2005—The Resource Recovery Act of 1969, more commonly referred to as the Muskie Bill. Senator Boggs has proposed the creation of a National Commission on Materials Policy to be composed of qualified representatives from government *and the private sector*.

This commission could eliminate the parasitic wheel spinning of hair-brained recycling schemes. Further, it could provide the mechanism necessary to allow clear identification of where the true potential for resource recovery is, and to determine the feasibility of establishing national priorities and inventories for recycled materials.

Basically, the commission would have seven key objectives:

1. To make a determination of national and international materials requirements, priorities, and objectives, both current and future.

2. To make a determination of materials policy relationship to (a) national and international population size, and (b) the enhancement of environmental quality.

3. To determine recommended means for the extraction, development, and use of materials which are susceptible for recycling, reuse, or self-destruction, in order to enhance environmental quality and conserve materials.

4. To determine recommended opportunities and incentives for the operation of the free enterprise system in such a manner as to complement and further the national materials policy.

5. To make a determination of the means of exploiting existing scientific knowledge in the supply, use, recovery and disposal of materials, and encouraging further research and education in this field.

6. To determine a means to effect coordination and cooperation among Federal departments and agencies in materials usage so that such usage might best serve the national materials policy.

7. To make a determination of the feasibility and desirability of establishing computer inventories of national and international materials requirements, supplies and alternatives.

We believe points 3, 4 and 5 are of particular interest to our industry.

The Nixon Administration, thus far, is opposed to the Boggs proposal because they feel it would be duplicative of the President's Environmental Quality Council.

We have written to President Nixon and Secretary Finch of the Department of Health, Education and Welfare urging them to reconsider their position regarding the Boggs amendment. The proposed Commission, because of its orientation toward the involvement of private enterprise, can give the field of resource recovery that which it has lacked up to the present time. Through such national planning by private and public agencies, many of the problems plaguing resource recovery, such as the lack of price stabilization for recycled materials and highly speculative demand patterns, might be solvable.

In our study of resource recovery, we have spoken with many knowledgeable people. Among them have been representatives of the National Committee for Paper Stock Conservation, who report that of the 10 million tons of newsprint produced annually, only 23 percent is salvaged.

Aside from the excess space it occupies in a landfill, there is a viable market for most of the 77 percent of discarded newsprint. In communities where separation of the mix is possible, many contractors are salvaging the newsprint and even more are finding that corrugated paper offers profit potential.

However, since most recycling appears to be on a catch-as-catch-can basis, a national program to make this activity more economically feasible must be viewed as an opportunity with great potential. Of the 50 million tons of paper and paper products used in the U.S., approximately 80 percent is discarded. Because our industry, in effect, owns so much of the "load," from the point of collection to the point of disposal, we must look with sincere interest at any effort to economically convert any portions of it into viable raw materials.

While paper and paper products, and certain metals, now appear to offer the greatest potential for resource recovery, the National Academy of Engineering/National Academy of Sciences believes that the time has come for *practical study* of the feasibility of economically recycling glass, rubber and plastics. We agree.

In our planning for our 6th Annual International Equipment Show and Congress in San Francisco (June 4–7, 1970), we are studying the potential value of a shirt-sleeve workshop on resource recovery, in which those contractors who are making it work and making it pay would share their experiences with all registrants.

We are also exploring the value of a cooperative seminar with executives of the nation's secondary paper mills.

THE PRESIDENT'S FIRST YEAR—AS THE PRESS VIEWED IT

Mr. GRIFFIN. Mr. President, beginning in mid-December and continuing until late January, American newspapers presented a large number of editorials and columns evaluating the first year of the Nixon administration.

The overwhelming number of writers reflected favorably on the administration. Nearly all were pleased with actions in the foreign policy area. Also receiving considerable favorable comment was the change in the mood of the Nation—frequently attributed to the calm, low-key manner in which the President has handled his duties.

A large number of articles dealt with the President's own self-assurance and the way he was able to transfer his confidence to the public. This helped the President demonstrate that, indeed, the violence-racked America of the late sixties was capable of being governed. David Broder of the Washington Post felt this was President Nixon's major achievement: He had restored confidence in Government's ability to govern; the war was being wound down; civil conflict had markedly decreased—"the breaking of the President" had failed. The President showed his ability to keep in tune with "what the silent people think" and govern against the grain of the so-called best people.

John Knight, publisher of Knight Newspapers, put it this way:

> He has managed to convey to the people a favorable impression of competence and self-confidence in his ability to manage the nation . . . and has restored public confidence in the integrity of government . . . He conveys the impression of a man who is dealing fairly and frankly with the people.

Don Bacon of Newhouse Newspapers also found the President confident and in good spirits. His administration has jelled and has "taken the reins of Government firmly in hand." Decisions of late have had a more solid ring. Matthew Storin of the Boston Globe feels the President has "restored some degree of confidence in the national leadership." Storin and others again brought up the President's handling of his news conferences as the classic demonstration of his deep knowledge. Garnett Horner of the Washington Star said he "conveys a sense of knowing fully what he's doing when he makes a decision."

The Shreveport Times said the healing of the Nation, which partially occurred in 1969, is due "at least in part to President Nixon's strong moral and psychological leadership." Those who disagree that things are better off were instructed by the Wall Street Journal to "look at the Nixon administration's first year, and look at the one just before it; anyone who prefers the latter can have it. Under President Nixon, things have changed for the better." The Richmond Times-Dispatch also suggested a look back: Consider how bad it was; the constant exhortations; the violence. But now there is some rest for the Nation. Of course there have been mistakes but "remember how far behind we were when President Nixon took over."

Ray McHugh of Copley News Service wrote that the "crisis and tension" that gripped the Nation under L. B. J. have subsided, and in good part due to the President's "very efficient, very business-like and extremely calm" leadership.

Robert Baskin of the Dallas News echoed a familiar theme: The President shows "immense confidence. He acts like a man who is in command fully and knows it." Ted Lewis of the New York Daily News agreed that the President has a firm grip on the office. Moreover, he handles it "as if it was one he always wanted and one that he believed he could succeed in with full devotion to duty." Lewis went on to say that Mr. Nixon "acts as if the most responsible job in the world is incapable of dis-

turbing the even tenor of his normal ways." Walter Trohan, writing in the Chicago Tribune, said the Nation's improved status is reflected in the President, "who is thoroughly relaxed and obviously confident." Martin Nolan of the Boston Globe feels the President's conduct of his news conference gives him every reason to be confident.

The Dallas News wrote that the new captain of the ship of state has righted the capsized craft. "As of now the Nation is so vastly more at ease and more closely knit than at any time since the first months of L. B. J." The Texas paper agreed with several journals that felt much of the President's success was due to his willingness to explain and the care he displayed in explaining his policies to the public. James Batten of Knight Newspapers said that "without question, 1969 saw a cooling off of the Nation's passions, a draining of vitriol out of the national nervous system."

William R. Hearst, Jr., as did many others, said there has been marked evidence of lowered voices and lessened tensions. Much of the Nation's calm is due to Vietnamization but Hearst said President Nixon's personal style is most responsible. The Los Angeles Examiner said there is "a refreshing change in the national mood—and by and large it is the personal achievement of a cautious executive and his carefully calculated programs. He is sure of where he is going." John Carroll of the Baltimore Sun suggested the critics realize what was the first priority of the administration. It was both modest and ambitious as it seeks to get us to sleep off the traumas of recent years, slow the pace, lower the decibel level and simultaneously through hard work, take "positive steps to restore the public's faith in American institutions."

Reflecting an opinion seen elsewhere, David Lawrence wrote that "President Nixon has interpreted with a remarkable accuracy the mood of public opinion in America." The Los Angeles Times said "his low-key approach is in keeping with the public mood." Similarly Walter Trohan, writing in the Chicago Tribune, said, "President Nixon seems to have an intuitive knowledge of the public mood." Lou Harris studied his surveys and came to the same conclusion: "President Nixon has demonstrated a capacity to evoke from the people a sustained positive reaction—He has established a reservoir of good will has bought time in which to find answers to Vietnam and inflation." The Wall Street Journal said President Nixon had cut a "wide swath up the middle" of American opinion as he made notable progress in healing the Nation.

Several evaluations commented that the low voices, and the avoidance of playing for the spectacular may have caused the public to miss some of the administration's domestic and foreign moves. Garnett Horner said reform measures do not make headlines, "but they can have long-range effects of major importance." The San Francisco Chronicle felt the budget cutback at DOD; SALT; China initiatives; overpopulation message were some of the steps taken which did not receive as much attention as they should have. On foreign policy, the Chronicle said the administration was "quite masterly in its careful approach."

Melvin Whiteleather wrote in the Philadelphia Evening Bulletin that the new U.S. style in foreign policy "fits the domestic as well as the foreign mood and that gives it double marks for political astuteness. The free world has regained enough strength and national pride to require partnership from us rather than tutelage. All in all," continued the Bulletin's foreign affairs writer, "under the slogan of 'negotiation rather than confrontation,' it has not been a bad first year. The new crew has changed the atmosphere for the better at home and abroad and some thick ice has either been broken or cracked."

Ernest Furgurson of the Baltimore Sun said, "Judge President Nixon's foreign record alone. It is impressive. He has performed with high skill." Murray Marder of the Washington Post noted 1969 was a year free of foreign crises involving the United States.

Joseph C. Harsch wrote in the Christion Science Monitor that the President has done well where least expected—getting along with the Russians. Certainly he has had some fortuitous breaks, "yet it is also true that the dialog which has picked up between the two main world capitals during the year has been well handled at the Washington end." Harsch said that not since 1917 "has there been such easy and serious talk" between Moscow and Washington.

The Buffalo Courier-Express saw the end of U.S. indifference to Western Europe as the highlight of Nixon foreign policy. Michael Padev of the Arizona Republic agreed as he noted the United States is far better off throughout the world than a year ago—but the positive results and the better understanding are most important in Europe. "The era of negotiations is off to a very good start."

L. Edgar Prina in the Copley papers wrote that the cross of Vietnam which hung heavy around L. B. J.'s neck has become much lighter under Richard Nixon. Alsop feels that the setback given to the peace movement by President Nixon has been underrated. The President showed his "iron self-discipline and long-headed calculation." He has, in the course of his first year, "gotten precisely what he wanted." The President has succeeded on the Vietnam front "by long patience, by careful timing, by shrewd judgment of voters' views and by hitting pretty hard when he thought the right time had come." James McCartney of Knight Newspapers said President Nixon's big crisis in 1969 came during October and November. "But in classic Nixonesque form—in the way of the master counterpuncher—President Nixon has stood his ground and fought back." He retains his comeback touch and is fully "brimming with a sense of accomplishment and confidence." He called the demonstrators' bluff in November: " 'You're for the President's plan,' he said, 'or you're for a bug-out.' " Lou Harris called the Vietnam speech "the singular success" of other key virtuoso performances at decisive moments last year.

Nick Thimmesch of Newsday called it "one of the best 'consensus' speeches ever heard." Crosby Noyes said the President had disarmed his most dangerous opposition without changing his main policies.

Overall, Thimmesch found the first year showed a President who was "low-key and middle-of-the-road to progressive." Nixon has taken a centrist position and stressed "a sense of management and consolidation in government."

William Theis, of the Hearst Newspapers, wrote that "the pragmatic President can find much of his hope in the measure of his accomplishments. It was not an insignificant record."

Expressing a view similar to many papers, the Los Angeles Times said tax reform and the draft lottery may have been the only major domestic legislation passed, but proposals for welfare, revenue-sharing, mass transit, hunger, airport and airways modernization are the "most ambitious programs ever to come from the White House in those areas."

James Dickinson of the National Observer noted that administration critics often charge there has only been window dressing. But there have been "substantial accomplishments" in addition to the end of "crisis government" and foreign policy moves. Welfare, mass transit, the draft and passage of the Philadelphia plan through an "impressive show of political know-how and muscle" are all impressive efforts as the reduction of the gap between promise and delivery. "Even in defeat, the President displayed a remarkable flexibility and ability to put the best on setbacks."

Reg Murphy of the Atlanta Constitution challenged those who feel the Nation needs an inspirational, charismatic leader. President Nixon has given us breathing time. He wound down the war; promulgated a sane chemical and biological warfare policy and pushed for tax, draft and welfare reform. Additionally, he has talked with "modulation."

Looking at the President's accomplishments on Vietnam, restoring respect for law and order, tax reform, draft, and so forth, the Tampa Tribune concluded President Nixon has already shown himself to be a more effective President than either Ike or J. F. K. The Associated Press' Don McLeod said "the record shows he has systematically set about implementing much of the program he outlined in the campaign. President Nixon is doing pretty much what candidate Nixon said he would do."

The Detroit Free Press declined to join the liberal critics who criticized the action at home. "If President Nixon fares as well during his second year, he will be extraordinarily lucky, skillful, or both." Roscoe Drummond said the score card cannot be filled in yet but there have been "healthy beginnings."

James Jacobson wrote in the Birmingham News that "the way President Nixon is hitting the ball has his aides as confident as it has his opponents unnerved." Jacobson noted a poll in North Carolina giving the President 81 percent support. Kraft feels the President has the political

high ground on the inflation issue and Godfrey Sperling writes that the Democrats are well aware of his power and see him far more formidable for 1972. John Finney of the New York Times says the administration spent last year preempting issues from the Democrats in a shrewd way. It has now succeeded in "taking away or neutralizing every issue that might be exploited by the Democrats." Vietnam, pollution, inflation, crime and, shrewdest of all, welfare have all been siphoned away. "Almost in desperation, the Democrats have fallen back on the nebulous issue of 'national priorities.'"

Mr. President, comment in the foreign press also has been generally favorable toward the President's first year.

There was widespread praise for President Nixon's handling of Vietnam. They were also more likely to focus on the continuing crime rise than did U.S. first-year evaluations. The London Financial Times stressed the President's preeminent political position—a position he achieved by making the popular issues his own in a performance "little short of masterful." Neue Rhein Zeitung of Cologne felt the fact that the change in Vietnam policy was achieved "without losing the confidence of the U.S. Asian allies" represented the most important achievement. The independent and prestigious Corriere della Sera of Milan found the Nixon political base "to be very solid" and a result of the fact that President Nixon "has always maneuvered to occupy the center."

The London Times said the President was "beginning his second year in a much stronger position than could have been predicted a few months ago." The Times also said that early expectations had proven false: "In spite of the cautious facade, Mr. Nixon has proved to be a daring President." Il Tempo of Rome asserted that it is "a political miracle that the United States seems more tranquil, more confident that peace will be reestablished, and more aware" of problems ahead. New Zealand's Christchurch Press declared that "President Nixon has shown a keen sense of the possible."

Le Monde, in line with other similar expressions, said that major problems remained unsolved—except perhaps Franco-United States relations—but that President Nixon had presided over a year of relative quiet in the ghettos and "a certain diminution of student unrest." Aurore of Paris saw realism dominating the Nixon first year. Stampa of Turin said "the administration has succeeded as the tranquilizer the man in the street really needed."

Mr. President, here in Washington it is often difficult to see the forest because of the trees. It is those a little removed from direct contact with the Federal Government and the national administration who often get the best perspective.

If this is true, then the view from the country overlooking the first Nixon year is indeed an inspiring one.

JOE EISENHAUER'S NOTEBOOK

Mr. MATHIAS. Mr. President, the local column is a well-read staple of the American newspaper. An example of the many fine columns providing entertainment and enlightenment to millions of readers is that of Joe Eisenhauer of the Frederick, Md., Post. Mr. Eisenhauer's column has appeared regularly in the Post for many years and is a reading fixture for thousands of Post subscribers.

Mr. President, I ask unanimous consent that a recent example of his column, including pertinent comments on fathers, security, and weather signs, be printed in the RECORD.

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

JOE EISENHAUER'S NOTEBOOK

"I pass through this world but once. Any good therefore that I can do . . . let me do it now. For I shall not pass this way again."

HEAD OF THE HOUSEHOLD

I have a sneaking suspicion that homes would be happier, children would be better behaved and easier to live with, and fewer wives would become widows in their fifties or sixties, if we would put Dad back at the head of the household—where he belongs.

After all, isn't a home that revolves about the breadwinner a more normal environment for children than a home that revolves around the kids themselves?

Isn't it a better place for them to learn obedience, consideration for the rights of others, and the necessity for contributing to the family, instead of always taking, and giving nothing in return?

And, if Dad is head man and has the final say on important decisions, isn't a family less likely to have the "gimmes" that Dad has to go in debt to satisfy?

And since women are outliving men, isn't that an indication that families should make a special effort to pamper Dad a bit more—by seeing that his rest comes before anything else, that he may need a vacation more than the children need summer camp, that if there is an able-bodied boy in the family, Dad shouldn't be pushing a lawn mower?

Women were once smart enough to put enough value on their husband's health and happiness to see that family life was tailored to a man's needs.

But, somehow, Dad got dethroned and the kids became the most important members of the family. Their demands and their monetary happiness became all important. Since that hasn't made for a happy family life, why not try putting Dad back as the head of the family and seeing if the whole family isn't better off?

NATURE OFFERS NO SECURITY

People who look to governments for "security," and administrations which glibly promise it, are seeking that which never has been granted to human kind. Man was promised his living by the sweat of his brow, and where he wastes his substance he will want in spite of all human devices to render it otherwise. Nowhere in her system does nature offer security to anyone or anything. Her way is the law of change and succession, or replacement and fulfillment; but never the unalterable, the fixed, or the guaranteed.

It is defeatism in the individual to seek "security" in living, a misunderstanding of the function of life itself. It was not so that the pioneers of this land lived, when there were few governments to do things for them. They met the wilderness on its own terms, and pushed it back. Men and women worked together to found their homes, raise their children, and wrest a competence from what the land had to offer them. They helped one another. They had time for worship, and over man they knew there was God.

Something happens to the human entity when "security" becomes such a constant cry in men's throats. It is a second-rate vision, a turning away from the challenge which is life. To each was given various talents, but to all the richness of earth and what it will produce. Society takes a step in the wrong direction when it turns itself back upon that.

Our age is a pioneering one, and to each is offered widening chances of development. It is a neglect of self-development to seek security without having earned it, to attempt to reap without having sown. No government can produce what people don't in themselves create.

SIGNS OF RAIN

All weather signs fail at times, but this does not indicate that the signs are useless, but merely that some other causes have overcome these signs. Here are some fair weather signs:

When the sun sets in a sea of glory, that is, when the sunset sky is red, you may expect clear weather on the morrow.

Watch the smoke from your campfire or chimney. If it rises high, it means clear weather. The smoke also shows the direction of the wind, as will a flag.

A gray early morning, not a heavy cloudy one, promises a fair day ahead.

A heavy dew at night is seldom followed by rain the next day. Think of it this way: wet feet, dry head.

Spiders are good weather prophets. If they make new webs, the weather will continue fine. If they continue during a shower, the weather will soon clear.

Signs of rain:

If the sky is red at sunrise, you may expect several hard tempestuous showers.

If there is a ring around the moon, do not count on continued fair weather. Rain is likely in a day or two.

When the blue sky begins to bell itself in a light gray mist, you may know that rain is forming overhead and will soon fall.

When the leaves of the white poplar show their silver lining, look out for rain.

When the campfire smoke hangs low, or is driven to the ground by the wind, you may expect unpleasant weather.

A brilliant atmosphere so clear it seems to bring faraway objects quite near, betokens wet weather. The saying is—the farther the sight the nearer the rain.

Learn this old rhyme:

"Evening red and morning gray
Sends the traveller on his way.
Evening gray and morning red
Brings down rain upon his head."

REFORM OF OUR NATIONAL PETROLEUM POLICIES

Mr. BROOKE. Mr. President, for too long the people of Massachusetts and, indeed, of the entire United States, have been forced to pay exorbitant prices for a product which, for most of us, is not a luxury, but a necessity. I refer to oil—oil to heat homes, schools, and hospitals, to run tractors, and to power automobiles.

The present system of oil import quota controls depends for its legal justification on the concept of national security. That justification is used, in effect, to exempt the oil industry—one of the most powerful and prosperous industries in

the country—from the normal competitive market in which all other private industries most function. Yet, in its effort to dissuade President Nixon from accepting the recommendations which have been proposed by a majority of the Cabinet Task Force on Oil Import Control, the oil industry has not addressed itself to the national security issue.

Mr. President, I should like to outline a few of the worst examples of the arguments for continued reliance on oil import quotas so that all can see just how weak they are. The one argument that has been raised most frequently during the last few weeks is that any kind of tariff plan, such as that apparently approved by the task force, must be rejected because it would amount to "massive intervention in the marketplace designed to establish Government control over oil prices." Massive intervention in what marketplace?

The answer, of course, is that the industry is referring to the present "market" structure for oil; and that is, in reality, no marketplace at all since normal economics of supply and demand do not exist. Worse than that, the present market structure for oil is devoid of competition. State prorationing and import quota controls result in a completely protected market, with no competition here at home, and no competition from potential foreign supplies. The giant oil firms have, in short, what must seem to them a perfect marketplace—one with an artificially high price base and with no significant competition allowed to bring these high prices down. This, then, is the marketplace that the oil industry does not want the Government to tamper with. It is a restrictive system that guarantees the industry billions in profits each year. And consumers who bear the exorbitant oil prices have no chance for relief. No new competitors who might, under ordinary economic circumstances be expected to win a share of the marketplace by cutting prices are allowed entry into this tight, Government-controlled oil market.

In testifying before Senator HART'S Antitrust Subcommittee last spring the acting president of Michigan State summed up this so-called oil marketplace best when he referred to it as nothing less than a Government sponsored and protected monopoly.

Now, how would a tariff system change all this? As I understand it, a very high tariff would be imposed on imports of foreign crude oil. After a transition period, a company wishing to import could do so by paying a tariff. In other words, assuming the tariff were not set so high as to prohibit imports, there would be left a small area of competition. Again, I understand the tariff level would be very high—well over 100 percent of the f.o.b. value of the foreign crude oil. Yet, even at that level, an element of competition would be introduced into the oil market because our own domestic prices are kept at such artificially high levels. So we see that the oil industry fears not massive intervention but the slight touch of competition which would be introduced into the neatly ordered world of oil.

Still a third argument against change is that the proposed tariff system will so damage the domestic oil industry that certain States' revenue from oil will be sharply curbed, thereby undermining education and other vital functions financed by such revenue. Advocates of the petroleum status quo in one Western State, for example, have pointed out that 44 percent of State revenue comes from the oil industry. I do not quarrel with such a figure; I merely say that it is irrelevant to the national security basis for the present control system.

In addition, it seems quite clear that the main revenue that might be reduced under a tariff system is the revenue from very high cost, so-called stripper well production. Now, in a Rocky Mountain State which produces some 145 million barrels of oil annually, only 3 percent is produced by stripper wells, according to the Independent Petroleum Association of America. It is possible that the inefficient stripper wells might be phased out under a tariff program, but the net damage would be modest indeed. And let us consider the benefits to those States. According to a recent analysis submitted to task force by the Office of Emergency Preparedness, the cost of the present program for each and every Wyoming citizen runs about $62 per year per person—the highest per capita cost in the country. Thus, the tariff proposals, or any other system designed to reduce oil prices will have, on balance, a positive impact on the average citizen even in oil-producing States like Wyoming. My point is that unless a majority of citizens in Wyoming own oil wells, a lot more people from that State are going to be helped than hurt by the proposed changes.

Mr. President, these are but a few of the arguments that have been made in recent weeks by the oil industry. President Nixon has been bombarded with this kind of irrelevant material, but I am confident that he will not be taken in and that he will not give in to such emotional pressures.

Finally, Mr. President, let me say this to the oil industry. The industry has pulled out all the stops in an effort to prevent the creation of a more equitable and rational oil-import program. If it succeeds in preventing relief, the industry ought to know that those of us who have fought this battle to win lower prices for our constituents will not sit idly by. There will be new challenges to the present system. Ultimately, the oil industry cannot win in this fight. The public interest demands change and change will surely come.

ABA STANDING COMMITTEE ON WORLD ORDER UNDER LAW RECOMMENDS RATIFICATION OF GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, a few weeks ago I brought to the attention of my colleagues the fact that the report of the ABA section of individual rights and responsibilities recommended that the United States ratify the Convention on the Prevention and Punishment of the Crime of Genocide. As I have mentioned previously, the American Bar Association was the only major body that had raised any objections to ratification of the convention—and these on constitutional grounds.

You will be glad to learn, I am sure, that the ABA standing committee on world order under law, the chairman of which is Nicholas DeB. Katzenbach, has unanimously made the same recommendation. The section of criminal law is presently polling the members of its council, and the council of the section of international and comparative law will meet and act in Atlanta prior to the sessions of the board of governors of the house of delegates, so that those bodies will have the advantage of the views of both of the other sections.

I am hopeful that action will be taken by the ABA house of delegates at their annual meeting this weekend of February 21 to urge approval of the ratification of the Genocide Convention. And I urge that the Senate of the United States act to ratify the Genocide Convention.

LITHUANIAN INDEPENDENCE DAY

Mr. TOWER. Mr. President, Monday was Lithuanian Independence Day. Over 700 years ago Lithuania emerged as a unified state, but in 1795 she fell under czarist domination. On February 16, 1918, Lithuania declared her independence from Russia. Independence day, however, is not an occasion for joyous celebration in Lithuania for in 1940 Soviet troops invaded and occupied the small republic and today, 30 years later, she remains a captive of the Soviet Union.

Lithuanian independence was short lived, but the Lithuanian people have not abandoned hope. Active resistance has been subdued, but proud Lithuanians continue to resist Soviet domination passively.

The United States has never recognized the Soviet rule in Lithuania. The Russian domination of the Baltic States is unconscionable tyranny; the calculated and callous effort to deprive a proud people with a rich history and cultural heritage of their right to self-determination and the free pursuit of their national aspirations cannot be described otherwise. Recognizing this, the U.S. Congress passed a resolution in 1966 urging the President to bring the focus of world opinion upon the plight of the captive nations of the Baltic. On the occasion of Lithuanian Independence Day, it is appropriate for us to reaffirm our concern for these peoples that they may take heart from the realization that the free peoples of the world are sympathetic with their desire for freedom and self-determination.

THE BIG SOUTH FORK OF THE CUMBERLAND RIVER

Mr. GORE. Mr. President, I have today for the first time seen the maps and re-

ports on the Big South Fork of the Cumberland River, lying and being in Tennessee and Kentucky, which has been transmitted to Congress by Secretary of the Interior, Walter J. Hickel. This report was in response to a provision of law, section 218 of the 1968 Rivers and Harbors Act, proposed by the distinguished senior Senator from Kentucky (Mr. COOPER).

The acreages involved in the respective plans with which the report deals far exceed anything that I had contemplated in suggestions and proposals I had theretofore made for the establishment of a national park in the gorges of this stream. The plan for a scenic river involves the taking of only 9,800 acres, which more nearly approximates what I had been thinking of, but for a national park the report envisions the taking of 116,800 acres, possibly more if private recreational areas on maps are included. A national recreation area would involve the taking of even more, 164,800.

It appears from the maps of the report that either of these two larger takings might involve some tracts or parts of tracts of timberland owned by a Tennessee corporation in which my son and my daughter are minority stockholders, each holding a one-eighth stock interest in the corporation. I have no way of knowing what effect adoption of either plan would have on said property, whether advantageous or disadvantageous.

Because of the above circumstances, I feel it proper to recuse myself, and I do hereby recuse myself, from any further participation in conferences, advocacy, or voting or otherwise participating in the determination, pro or con, of the use of these resources. My colleagues of House and Senate from both Kentucky and Tennessee are hereby so advised.

PROPOSED AMENDMENT TO THE AGREEMENT FOR COOPERATION BETWEEN THE UNITED STATES AND NORWAY CONCERNING CIVIL USES OF ATOMIC ENERGY

Mr. GORE. Mr. President, as chairman of the Subcommittee on Agreements for Cooperation of the Joint Committee on Atomic Energy, I wish to advise the Senate that an amendment to the agreement for cooperation with Norway has been placed before the Joint Committee in compliance with section 123(c) of the Atomic Energy Act of 1954 as amended. That act requires that such agreements lie before the Joint Committee for a period of 30 days while Congress is in session before becoming effective. The purpose of the amendment is to provide for the transfer of uranium enriched in the isotope U^{233} for use as fuel. The amendment to the agreement was forwarded to the Joint Committee by letter dated February 4, 1970. The committee is, of course, reviewing this amendment at present.

Mr. President, in keeping with the practice of the Joint Committee of including such agreements for cooperation in the CONGRESSIONAL RECORD, I ask unanimous consent to have printed in the RECORD the text of the proposed amendment to the Agreement for Cooperation With Norway together with supporting correspondence.

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

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., February 4, 1970.

Hon. CHET HOLIFIELD,
Chairman, Joint Committee on Atomic Energy, Congress of the United States

DEAR MR. HOLIFIELD: Pursuant to Section 123c of the Atomic Energy Act of 1954, as amended, there are submitted with this letter copies of the following:

a. a proposed amendment to the "Agreement for Cooperation Between the Government of the United States of America and the Government of Norway Concerning Civil Uses of Atomic Energy;"

b. a letter from the Commission to the President recommending approval of the amendment; and

c. a letter from the President to the Commission conteining his determination that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and approving the amendment and authorizing its execution.

The amendment has been negotiated by the Department of State and the Atomic Energy Commission pursuant to the Atomic Energy Act of 1954, as amended. Its purpose is to provide for the transfer of uranium enriched in the isotope U-233 for use as fuel. The proposed net ceiling quantity of U-233 which may be so transferred to Norway during the period of the Agreement for Cooperation is ten kilograms.

As the Committee is aware, an immediate use of U-233 as fuel under our agreement with Norway will be in connection with the experimental program at the Halden Reactor, the U-233 deriving from a portion of the Elk River core to be reprocessed at the Italian PCUT facility.

The amendment will enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for entry into force.

Cordially,

GLENN T. SEABORG,
Chairman.

US. ATOMIC ENERGY COMMISSION,
Washington, D.C., August 12, 1969.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: Enclosed is a proposed amendment to the "Agreement for Cooperation Between the Government of the United States of America and the Government of Norway Concerning Civil Uses of Atomic Energy," which has been negotiated by the Department of State and the Atomic Energy Commission pursuant to the Atomic Energy Act of 1954, as amended. The Atomic Energy Commission recommends you approve the proposed amendment, determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution. The Department of State supports the Commission's recommendation.

The amendment would provide for the transfer of uranium enriched in the isotope U-233 (in addition to U-235) for use as fuel, and the proposed net ceiling quantity of U-233 which could be so transferred to Norway during the period of the Agreement for Cooperation would be ten kilograms. This provision is desired in connection with the experimental program of the Halden Boiling Heavy Water Reactor, built by Norway and operated as a project of the European Nuclear Energy Agency of the Organization for Economic Cooperation and Development.

The immediate purpose of the amendment is to permit fuel elements containing U-233 of United States origin to be test irradiated in the Halden Reactor. Under arrangements between the U.S. Atomic Energy Commission and the Italian National Nuclear Energy Committee, fuel elements from the United States' Elk River Reactor are to be reprocessed at the experimental uraniathoria fuel cycle facility (POUT) at Rotondella, Italy. Part of the U-233 thus recovered is to be fabricated into fuel elements for the Halden Reactor.

Following your approval, determination, and authorization, the proposed amendment will be executed by appropriate authorities of the United States of America and Norway. In compliance with Section 123c of the Atomic Energy Act of 1954, as amended, this amendment will be placed before the Joint Committee on Atomic Energy.

Respectfully yours,

GLENN T. SEABORG,
Chairman.

THE WHITE HOUSE,
Washington, D.C., September 22, 1969.

Hon. GLENN T. SEABORG,
Chairman, Atomic Energy Commission, Washington, D.C.

DEAR DR. SEABORG: I have reviewed the proposed Amendment to the "Agreement for Cooperation Between the Government of the United States of America and the Government of Norway Concerning Civil Uses of Atomic Energy" which you submitted for my approval with your letter of August 12, 1969.

Pursuant to the provisions of Section 123b of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby:

a. Approve the proposed Amendment, and determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security of the United States of America; and

b. Authorize the execution of the proposed Amendment on behalf of the Government of the United States of America by appropriate authorities of the Department of State and the Atomic Energy Commission.

Sincerely,

RICHARD NIXON.

AMENDMENT TO AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF NORWAY CONCERNING CIVIL USES OF ATOMIC ENERGY

The Government of the United States of America and the Government of Norway,

Desiring to amend the "Agreement for Cooperation Between the Government of the United States of America and the Government of Norway Concerning Civil Uses of Atomic Energy" signed at Washington on May 4, 1967 (hereinafter referred to as the "Agreement for Cooperation"),

Agree as follows:

ARTICLE I

Article VIII of the Agreement for Cooperation is amended by adding the following new paragraph:

"L. As may be agreed, the Commission will transfer to the Government of Norway or to

authorized persons under its jurisdiction uranium enriched in the isotope U–233 for use as fuel in reactors and reactor experiments. The terms and conditions of each transfer shall be agreed upon in advance, it being understood that the quantity of U–233 contained in uranium enriched in the isotope U–233 transferred to Norway under this Article during the period of this Agreement shall not exceed a net amount of 10 kilograms. The net amount of U–233 shall be the gross quantity transferred to the Government of Norway or authorized persons under its jurisdiction less the quantity which has been returned to the United States of America or transferred to any other nation or group of nations with the agreement of the Government of the United States of America pursuant to this Agreement."

ARTICLE II

This Amendment shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such Amendment and shall remain in force for the period of the Agreement for Cooperation.

In witness whereof, the undersigned, duly authorized, have signed this Amendment.

Done at Washington, in duplicate, this twenty-third day of December, 1969.

For the Government of the United States of America:

MARGARET JOY TIBBETTS,
Deputy Assistant Secretary for European Affairs, Department of State.
GLENN T. SEABORG,
Chairman, U.S. Atomic Energy Commission.

For the Government of Norway:

ARNE GUNNEG,
Ambassador E. and P. Embassy of Norway.

Certified to be a true copy:

BARBARA H. THOMAS.

IMPACT AID COMPARISONS

Mr. MONTOYA. Mr. President, I have just received from the Office of Education a table which I had asked be prepared contrasting the impacted area aid received under Public Law 874 which would be received by congressional districts under the vetoed H.R. 13111, the April HEW budget figures and the "compromise" amount contained in the February 2, 1970, estimates. I know it can be helpful to my colleagues and of interest to their constituents.

I ask unanimous consent that the table to which I have referred be printed at this point in my remarks.

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

IMPACTED AREA AID, FISCAL YEAR 1970, BY STATE AND CONGRESSIONAL DISTRICT—EXCLUDES SECTION 6 PAYMENTS FOR FEDERALLY OPERATED SCHOOLS

IMPACTED AREA AID, FISCAL YEAR 1970

State and district	HEW budget	Conference agreement	President's Feb. 2, 1970, proposal
Alabama:			
1st	$64,890	$814,360	$484,640
2d	168,538	1,246,148	779,826
3d	235,067	1,818,570	1,253,634
4th	101,067	1,262,254	751,785
5th	6,917	142,926	82,862
7th		288,585	160,325
8th	262,547	3,674,740	2,436,738
6th, and part of 4 and 5		201,579	111,988
State total	839,026	9,449,162	6,061,798
Alaska:			
At large	14,964,118	17,225,911	17,054,651
Arizona:			
1st	281,011	979,932	684,910
2d	2,005,182	4,666,429	3,631,285
3d	3,852,186	4,075,817	4,192,144
Part of 1st and 3d	546,846	1,022,593	841,526
State total	6,685,225	10,744,771	9,349,864
Arkansas:			
1st	341,012	423,752	403,917
2d	595,946	1,601,752	1,189,656
3d	12,245	557,553	304,413
4th	12,581	622,414	348,754
State total	961,784	3,205,471	2,246,740
California:			
1st	978,801	2,434,470	1,852,600
2d	551,152	2,701,479	1,906,067
3d	1,065,110	6,449,654	4,176,120
4th	3,334,145	5,438,712	4,703,303
5th and 6th	826,410	1,971,047	1,523,423
7th		289,428	160,793
8th	647,746	1,441,602	1,124,763
9th	15,613	1,333,916	748,870
10th	230,179	1,752,954	1,088,951
11th	5,786	764,292	427,498
12th	2,810,131	4,516,543	3,915,016
13th	2,650,171	7,644,946	5,727,608
14th	102,528	2,147,636	1,244,394
15th		1,476,537	839,684
16th	460,444	961,556	764,418
17th		40,281	22,378
18th	2,849,183	2,981,041	3,090,154
19th		345,017	191,676
20th		81,714	45,396
23d		723,202	401,779
24th		507,147	281,748
25th	6,286	341,799	215,074
27th	21,928	1,405,144	815,542
28th	3,706	400,665	224,444
31st	3,469	86,112	49,574
32d	760,115	1,903,151	1,437,363
33d	1,496,508	5,347,534	3,719,101
34th	8,951	1,785,346	1,044,907
35th	1,689,711	6,852,782	4,939,507
36th	282,015	1,072,942	742,012
37th	18,217	3,322,795	1,978,244
38th	818,576	2,627,370	1,912,956
1st and 6th (parts of)	26,553	346,968	206,036
35th, 36th, 37th (parts of)	4,853	31,302	19,816
13th, 17th, 20th, 21st, 22d, 24th, and 26th through 31st (parts of)	499,469	4,641,607	2,828,405
7th, 8th, and 9th (parts of)		425,619	236,455
15th and 16th (parts of)		270,788	154,757
9th and 10th (parts of)		20,608	54,868
36th and 37th (parts of)	2,342,112	7,024,299	5,073,444
34th and 35th (parts of)	2,285	410,516	229,206
19th and 20th (parts of)	$8,647	$116,365	$68,970
17th, 21st, 23d, and 32d		45,277	25,154
17th and 31st		38,563	21,424
17th and 28th		319,817	177,676
8th and 9th	823	1,393,593	774,629
7th and 8th	63,412	1,424,537	823,115
State total	24,623,797	87,656,673	62,009,318
Colorado:			
2d	152,443	4,614,745	2,688,381
3d	2,466,772	8,756,865	6,387,377
4th	510,380	1,743,946	1,238,385
State total	3,129,595	15,115,556	10,314,143
Connecticut:			
1st		196,392	109,106
2d	1,396,159	2,324,690	1,989,570
3d	15,828	641,381	364,235
4th		196,323	109,068
5th	6,942	254,879	145,069
6th		205,135	113,963
State total	1,418,929	3,818,800	2,831,011
Delaware: At large	9,477	858,524	537,755
District of Columbia	295,481	6,354,466	3,677,999
Florida:			
1st	1,436,230	5,471,986	4,092,755
2d	101,311	768,323	520,030
3d	445,636	2,237,036	1,465,613
4th		550,145	305,636
5th	1,011,447	6,624,814	3,791,515
6th	352,933	1,145,858	813,053
8th	1,323	601,907	335,053
9th	31,783	42,162	39,314
10th	17,216	85,816	56,283
12th	734,670	1,000,743	923,303
11th and parts of 12th	593,960	1,448,151	1,103,508
State total	4,726,509	19,976,941	13,446,063
Georgia:			
1st	251,621	1,032,100	686,660
2d	405,905	924,622	711,243
3d	244,338	3,913,279	2,550,682
4th		596,839	331,577
6th	57,607	1,360,843	784,827
7th	9,932	2,411,645	1,357,379
8th	163,849	748,641	497,833
9th		197,853	109,918
10th	143,027	1,796,779	1,104,844
4th and 5th (parts of)	36,419	1,397,644	794,678
State total	1,312,698	14,380,245	8,929,641
Hawaii: At large	5,891,613	11,134,560	9,131,673
Idaho:			
1st	735,391	1,812,220	1,396,662
2d	278,148	1,354,795	892,320
State total	1,013,539	3,167,015	2,288,982
Illinois:			
4th		101,904	56,613
10th	4,093	207,262	117,190
12th	1,748,040	2,881,028	2,474,588
13th	214,270	3,880,883	2,263,180
14th	13,424	644,415	358,435
15th		161,819	89,898
16th	12,627	148,912	89,387
17th	16,132	888,378	511,903
18th	6,483	6,484	6,843
19th	7,869	589,283	331,312
20th		63,103	35,057
21st	13,685	268,550	153,331

State and district	HEW budget	Conference agreement	President's, Feb. 2, 1970, proposal
Illinois—Continued			
22d	$1,222,724	$1,927,891	$1,727,482
23d		204,193	138,571
24th	923,729	2,424,989	1,866,132
14th & 17th (part of)	8,531	654,857	368,075
State total	4,191,607	15,053,951	10,587,997
Indiana:			
5th	688,356	996,836	897,974
6th		329,340	172,499
7th	56,282	428,778	258,284
8th	3,972	344,901	193,596
9th	35,177	1,594,822	903,599
11th	135,896	1,169,874	717,877
State total	919,683	4,864,551	3,143,829
Iowa:			
1st	40,990	1,241,609	716,737
2d		22,996	12,775
3d	22,891	36,172	31,541
4th	33,005	807,059	464,869
5th		448,978	249,432
6th	42,055	275,248	173,942
7th		214,401	119,111
State total	138,941	3,046,463	1,768,407
Kansas:			
1st	7,280	73,054	21,554
2d	2,588,823	4,711,365	3,624,114
3d	62,084	1,225,477	727,602
4th	0	1,742,509	970,374
5th	946,984	2,363,824	1,818,936
State total	3,605,171	10,116,229	7,162,580
Kentucky:			
1st	45,688	861,542	464,831
2d	9,267	949,648	605,153
3d	992	1,881,852	1,045,968
4th	0	57,060	31,700
5th	6,620	188,663	81,690
6th	20,857	675,352	385,623
7th	2,317	6,405	4,717
State total	85,741	4,620,522	2,619,682
Louisiana:			
1st	662	88,349	49,413
2d	0	287,395	159,664
4th	453,250	1,525,177	1,073,945
6th	2,648	292,162	173,486
8th	103,296	1,105,331	680,311
1st and 2d (part of)	45,358	575,088	342,172
State total	605,214	3,873,502	2,478,991
Maine:			
1st	441,789	1,383,660	1,020,081
2d	1,182,396	1,650,672	1,509,735
State total	1,624,185	3,034,332	2,529,816
Maryland:			
1st	542,979	1,554,799	1,135,265
2d	593,313	1,767,069	1,278,361
5th	700,187	12,329,134	7,346,824
6th	227,554	1,325,448	850,136
8th	82,461	7,107,296	3,989,728
6th and 8th (part of)	0	498,646	277,025
3d, 4th and 7th	49,281	2,758,251	1,557,002
1st and 3d (part of)	1,025,610	2,912,911	2,131,089
State total	3,221,385	30,253,554	18,565,430
Massachusetts:			
1st	5,825	1,018,704	568,857
2d	1,336,591	2,241,999	1,928,645
3d	1,338,941	2,160,977	1,873,701
4th	628	732,284	411,787
5th	212,950	1,841,260	1,129,392
6th	10,558	839,963	471,923
7th	1,562	1,043,095	580,278
8th	36,137	271,442	168,869
10th	20,711	416,695	249,043
11th	150,029	985,160	629,315
12th	1,608,353	2,798,078	2,358,658
Part of 5th and 7th	0	60,416	33,564
9th, and part of 8 and 11	5,863	689,531	386,004
10th and 12th (part of)	0	5,115	2,841
4th and 5th (part of)	2,111	33,267	19,536
1st and 2d (part of)	0	5,092	2,829
State total	4,730,259	15,143,078	10,815,242
Michigan:			
2d	10,791	22,662	17,985
3d	137,775	566,886	383,824
8th	5,036	40,145	24,820
9th	4,676	74,624	43,795
10th	693,188	820,472	798,046
11th	1,544,291	1,918,084	1,769,920
12th	563,197	1,056,130	889,022
16th	14,830	21,623	19,427
1st, 13th, 14th, 17th and part of 1 and 12	0	801,153	445,085
State total	2,973,784	5,321,779	4,391,924

State and district	HEW budget	Conference agreement	President's Feb. 2, 1970, proposal
Minnesota:			
1st	0	$120,683	$67,045
2d	$8,976	11,109	10,658
3d	0	865,391	480,773
4th	0	917,501	509,721
5th	47,502	464,389	281,744
6th	36,655	192,048	125,691
7th	470,534	580,524	560,206
8th	372,539	799,672	630,529
State total	936,206	3,951,317	2,666,367
Mississippi:			
1st	363,902	496,633	442,858
3d	4,966	117,698	67,871
4th	99,656	222,883	173,653
5th	653,224	2,222,867	1,607,912
State total	1,121,748	3,033,081	2,292,294
Missouri:			
1st	0	119,427	66,348
2d	35,436	1,012,753	580,359
4th	885,471	4,407,240	2,893,112
5th	0	431,344	66,725
6th	1,131	444,679	247,609
7th	8,578	386,279	220,377
8th	1,083,678	1,613,740	1,454,723
9th	3,971	246,345	138,842
10th	9,885	67,768	42,180
1st, 2d and 9th (part of)	0	156,747	87,082
3d and part of 1st	3,015	936,149	521,590
State total	2,031,165	9,822,471	6,318,947
Montana:			
1st	1,184,127	2,110,846	1,788,298
2d	2,161,190	2,806,588	2,643,924
State total	3,345,317	4,917,434	4,432,222
Nebraska:			
1st	247,229	548,513	428,343
2d	2,210,883	3,990,303	3,343,564
3d	188,963	869,695	577,199
State total	2,647,075	5,408,511	4,349,106
Nevada:			
At large	1,430,693	4,156,893	3,024,792
New Hampshire:			
1st	835,026	2,142,341	1,613,399
2d	2,919	273,647	153,485
State total	837,945	2,415,988	1,766,884
New Jersey:			
1st	13,966	1,149,704	647,139
2d	26,005	564,662	326,701
3d	729,593	3,176,564	2,129,552
4th	0	633,995	352,220
5th	55,721	744,895	443,661
6th	2,655,362	5,449,935	4,406,902
13th	57,462	114,952	92,593
3d and 6th (part of)	0	31,502	17,502
1st and 6th (part of)	802	57,957	32,599
10th and 11th	0	140,041	77,800
State total	3,538,911	12,064,207	8,526,669
New Mexico:			
1st	1,782,203	4,819,568	3,568,684
2d	3,940,526	6,233,448	5,558,837
At large	939,278	899,133	969,157
State total	6,662,007	11,952,149	10,096,678
New York:			
1st	437,906	2,400,779	1,556,683
2d	13,189	499,334	337,048
4th	344,644	380,584	383,757
5th	0	77,465	43,036
25th	5,930	54,490	36,326
27th	604,103	1,431,155	1,060,658
28th	1,670	61,258	40,504
29th	58,719	1,229,863	714,077
30th	0	573,323	318,512
31st	1,085,154	1,348,453	1,292,966
32d	687,619	1,959,354	1,432,339
33d	0	505,858	281,031
34th	116,365	288,883	218,672
35th	100,776	396,614	276,158
38th	0	128,905	72,658
40th	286,739	354,776	340,467
2d, 4th and 5th (part of)	137,424	164,647	160,182
2d and 4th (part of)	0	30,550	33,944
39th and 41st	0	166,114	92,285
6th through 14th and 16th through 24th	1,091,598	5,580,699	3,646,187
1st and 2d (part of)	0	786,904	437,169
State total	4,971,836	18,420,008	12,774,659
North Carolina:			
1st	582,702	1,360,243	1,091,937
3d	628,723	2,483,310	1,861,992
5th	13,905	91,924	58,021
7th	177,128	3,097,879	2,439,643

IMPACTED AREA AID, FISCAL YEAR 1970, BY STATE AND CONGRESSIONAL DISTRICT—EXCLUDES SECTION 6 PAYMENTS FOR FEDERALLY OPERATED SCHOOLS—Continued

IMPACTED AREA AID, FISCAL YEAR 1970—Continued

State and district	HEW budget	Conference agreement	President's Feb. 2, 1970, proposal
North Carolina—Continued			
8th	$331	$212,621	$118,287
11th	98,851	319,454	226,898
State total	1,501,640	7,565,431	5,796,778
North Dakota:			
1st	1,600,344	1,694,267	1,746,828
2d	1,325,814	1,416,599	1,449,901
State total	2,926,158	3,110,866	3,196,729
Ohio:			
1st		14,314	7,952
2d		63,487	35,270
3d	678,055	2,970,439	1,917,717
4th		45,599	25,333
5th	662	27,282	15,487
6th	13,242	502,815	288,207
7th	48,006	1,995,386	1,154,625
8th	496	66,416	37,145
10th	992	351,149	195,578
11th	8,276	132,833	23,835
12th	5,964	540,570	303,298
13th		124,680	69,267
14th		273,221	152,699
15th		276,375	153,542
17th	662	539,486	300,045
19th		26,397	8,277
23d		792,003	440,001
24th	1,987	852,195	474,435
20th, 22d, and 23d (part of)		313,582	174,212
12th and 15th (part of)	479,242	2,497,706	1,627,233
1st and 2d (part of)		131,964	73,313
State total	1,237,584	12,537,899	7,477,461
Oklahoma:			
1st	29,620	1,752,634	985,991
2d	742,424	1,482,480	1,162,236
3d	176,551	1,003,744	631,044
4th	1,908,734	4,631,006	3,714,258
5th	44,690	2,673,818	1,508,109
6th	504,790	1,161,622	893,999
4th and 5th (part of)	188,310	2,030,339	1,714,231
State total	3,595,119	14,735,643	10,609,868
Oregon:			
1st	265,887	469,326	393,676
2d	699,688	1,876,958	1,400,142
3d	29,136	600,174	347,997
4th	118,023	860,100	537,470
State total	1,112,734	3,806,558	2,679,285
Pennsylvania:			
6th		56,369	31,316
7th		415,092	230,606
8th	4,210	867,823	333,398
9th		192,942	107,190
10th		332,894	184,941
11th		244,434	135,797
12th		801,957	445,531
13th		245,358	145,375
15th	64,580	161,687	122,115
16th	25,948	450,576	263,293
17th		390,477	220,288
18th	18,175	31,807	26,757
19th	47,906	936,140	544,031
23d		32,265	17,925
26th		23,817	13,231
27th	2,806	238,458	133,878
14th, 20th, and 27th (part of)		724,026	402,236
8th and 13th (part of)		74,692	41,495
1st–5th (part of)	352,878	4,013,339	2,406,071
16th and 17th (part of)		42,572	23,651
State total	516,503	10,276,725	5,829,125
Rhode Island:			
1st	877,802	1,863,520	1,475,805
2d	681,289	1,945,798	1,434,800
1st and 2d (part of)		229,947	127,748
State total	1,559,091	4,039,275	3,038,353
South Carolina:			
1st	1,394,515	4,897,194	3,575,406
2d	75,485	2,068,529	1,186,923
3d	12,250	97,826	42,543
4th		85,965	47,758
5th	376,108	580,601	510,609
6th	52,310	171,185	121,257
State total	1,910,668	7,901,300	5,484,496
South Dakota:			
1st	208,713	547,059	408,277
2d	2,578,523	3,445,756	3,091,403
State total	2,787,236	3,992,815	3,499,680
Tennessee:			
1st	12,580	624,105	353,013
2d	5,958	1,167,905	689,912
3d	$1,323	$460,069	$256,253
4th	307,573	1,610,985	1,160,125
5th		393,027	218,348
6th		1,169,751	639,399
7th	662	276,983	157,906
8th	11,918	477,049	279,051
9th	337,040	831,047	660,293
7th and 8th (part of)		898,986	499,436
State total	677,054	7,909,907	4,913,736
Texas:			
1st	35,425	1,776,003	1,164,973
2d	4,633	77,484	36,581
3d	17,877	581,792	332,155
4th	103,942	568,586	381,748
5th	3,311	97,435	55,786
6th		296,847	164,914
7th		2,949	1,638
8th		21,602	12,001
9th		845,347	496,586
10th	343,993	1,092,962	779,197
11th	1,128,655	3,118,634	2,396,617
12th	364,850	4,283,809	2,602,960
13th	460,350	1,558,081	1,176,360
14th	176,797	1,242,845	785,553
15th	84,425	244,342	173,319
16th	1,091,504	3,873,140	2,697,495
17th	690,965	1,733,901	1,367,563
18th	183,853	560,430	403,842
19th	132,764	347,585	259,487
20th	144,683	1,287,095	850,456
21st	241,024	946,574	643,754
22d	7,946	582,687	327,687
23d	103,958	1,214,979	824,388
3d, 5th, 6th and 13th (part of)	4,966	528,008	295,821
7th, 8th, and 22d	662	475,715	264,616
20th, 21st, 23d	2,292,563	7,970,764	5,946,520
State total	7,619,146	35,329,596	24,442,017
Utah			
1st	987,277	6,039,462	4,025,976
2d	257,578	2,228,392	1,470,964
State total	1,244,855	8,267,854	5,496,940
Vermont: At large	3,668	159,132	95,663
Virginia:			
1st	1,750,916	7,947,976	5,602,027
2d	1,382,818	5,633,250	3,863,803
3d	15,891	945,088	532,994
4th	498,940	2,290,668	1,522,062
5th		70,172	38,894
6th	14,565	677,498	383,668
7th	4,635	72,703	42,708
8th	77,624	2,553,083	1,473,051
9th		483,909	268,837
10th	452,321	17,713,831	11,301,311
State total	4,197,710	38,388,179	25,029,355
Washington:			
1st	59,245	975,398	571,507
2d	737,734	1,884,133	1,417,150
3d	161,675	918,483	592,753
4th	680,981	2,118,052	1,518,152
5th	985,077	1,659,282	1,426,562
6th	2,048,697	6,177,149	4,647,406
7th	46,397	649,271	390,284
State total	4,719,806	14,381,768	10,563,814
West Virginia:			
2d	20,191	362,182	211,305
3d	662	80,601	45,109
4th	331	166,120	92,453
State total	21,184	608,903	348,867
Wisconsin:			
2d	234,796	614,825	458,966
3d	37,616	879,216	572,407
7th	49,890	129,445	96,858
8th	11,419	123,755	74,461
10th	173,978	260,461	231,685
4th, 5th and 9th	7,766	443,626	250,342
State total	515,465	2,451,328	1,684,719
Wyoming: At large	1,292,220	1,984,138	1,748,402
Guam	1,465,677	2,350,553	2,038,700
Puerto Rico		353,336	196,297
Virgin Islands		28,569	31,743
Grand total	154,394,182	554,737,800	392,394,182
Federal schools (sec. 6)	32,605,818	32,605,818	32,605,818
Program total	187,000,000	587,343,618	425,000,000
Rounded		585,000,000	

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

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

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 514) to extend the programs of assistance for elementary and secondary education, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate resumed consideration of the bill.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment of the Senator from Pennsylvania (Mr. SCOTT). On this question the yeas and nays have been ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

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.

The question is on agreeing to the amendment. Who yields time?

Mr. SCOTT. Mr. President, I yield 15 minutes on the bill to the Senator from Maine.

Mr. MUSKIE. Mr. President, the stated purpose of the Stennis amendment presents most of us with a dilemma: how can we oppose segregation and discrimination and not support a proposal which says, on the face of it, that it is designed to end school segregation in all parts of the country?

I have concluded that I must oppose the amendment for two reasons: One, it would not end racial isolation and contribute to equal opportunity for quality education; and two, it would retard the implementation of the decisions of the Supreme Court and lower courts in school desegregation cases.

In short, it will not end de facto segregation in the North. There is ample evidence that it will ease up the enforcement of civil rights guidelines in the South.

It is true that the courts are requiring that communities which have practiced deliberate, de jure patterns of school segregation provide more than token evidence of an end to such segregation. They are being required to do so because they have spent almost 16 years trying to avoid the requirements of the Constitution. The degree of supervision being exercised by the courts in an attempt to insure compliance should come as no surprise.

It is also true that segregation can result from causes other than formal, segregated school systems. It can be the product of segregated housing patterns, and it can be the product of growth patterns and land use controls in large cities and metropolitan areas where lower middle and middle income whites have moved into suburban areas, leaving an increasing number of poor blacks in the central cities. The racial isolation and unequal educational opportunities which result from those patterns need to be overcome—must be overcome.

But the Stennis amendment would not remedy that problem any more than it would remedy de jure segregation, wherever it exists. The Stennis amendment would dilute the enforcement of cases against school districts practicing deliberate patterns of segregation and it would load the courts with the difficulty of interpreting a vague and indirect amendment to the Civil Rights Act of 1964. It would provide no resources for a remedy to the patterns of unequal educational opportunity which concern this Senator. The courts alone cannot provide the remedy. Only the Congress and the executive branch can make the resources available.

The issue before us is not really the busing of children. Several years ago it was estimated that 15 million public school children—about 40 percent of the Nation's total school enrollment—traveled to school on buses. Parents do not ordinarily mind sending their children to school on buses so long as the schools provide a good education. It is what is at the end of the bus ride that counts.

Nor is the issue really the legal difference between de facto and de jure segregation. There is a good deal of evidence that segregation is harmful to children—black and white—whatever its source may be, whether it is compelled by law or arises without the deliberate intent of public officials.

The real problem is how to deal with the racial isolation of children when it exists on a massive urban scale. In many cities in the urban North—Chicago, Philadelphia, St. Louis, among others—the racial concentration of pupils is so great that it is impossible to accomplish integration within the confines of the city. The Stennis amendment will not help these situations one bit. Nor can we trust that the courts will solve the situation, because the courts have not yet come to grips with segregation on a metropolitan scale and they cannot offer the resources and assistance that school officials need to solve the problem.

This, I must emphasize, is not a North-South problem. It has not been solved in Atlanta or New Orleans or Houston any more than it has been solved in Chicago. That is why we need not a Stennis amendment based on mutual recriminations, but a careful study of the kind proposed by Senators MONDALE and JAVITS with specific recommendations for congressional action because what is involved is the need to restructure massive metropolitan areas, to restructure their housing patterns, to restructure their employment patterns, to restructure their transportation patterns; and this kind of restructuring is not conceivably going to be done in response to the kind of amendment offered by the Senator from Mississippi.

Several years ago, at the request of President Johnson, the U.S. Commission on Civil Rights conducted a major study of racial isolation in urban schools. In carrying out this study the Commission conducted detailed investigations and hearings on segregation in many northern cities and it had the assistance of prominent educators throughout the country, including the present Commissioner of Education. The Commission's report, issued in 1967, examined carefully the extent, causes, and impact of segregation and made specific proposals for remedy. Although the Congress appropriated special funds for the conduct of this study, it has never evaluated the results. I would suggest that the Commission report be used as a starting point in the investigation proposed by Senators JAVITS and MONDALE and that the committee carefully consider the Commission's proposals and all other approaches that promise a better education for all children.

As I have indicated, I believe the Mondale-Javits substitute offers one way of developing a broad series of programs to help State and local jurisdictions overcome the patterns of isolation and of unequal educational opportunity which have grown up as a result of deliberate discrimination and segregation and the growth patterns of our metropolitan areas. For that reason, I will support it when it is offered. But I think we must take some immediate steps to deal with the problems which are confronting those jurisdictions today.

Therefore, I am prepared to recommend legislation which would provide Federal assistance to State agencies and local school districts which, on their own initiative or in response to court orders, are attempting to end racial isolation and insure equal opportunity for quality education. Today is not the time to introduce such an amendment, which must be drafted with some care, but I plan to introduce such a bill in the near future.

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

Mr. MUSKIE. Yes; I am happy to yield to the distinguished Senator from Minnesota.

Mr. MONDALE. Let me express my deep appreciation for what I regard to be a most perceptive and statesmanlike presentation. I think the Senator helps illuminate this debate by pointing out the deep and pervasive problems that stem from de facto segregation; that is, segregation that arises from growth patterns, residential living patterns, rather than from an official government policy of separating schoolchildren on the basis of color. The Senator has correctly pointed out this is an issue on which the country has yet to focus. The courts have not yet dealt with it. The Department of Health, Education, and Welfare has not dealt with it under title VI of the Civil Rights Act of 1964 because it is specifically prohibited from doing

so. And the Stennis amendment in no way deals with the problem.

I think, in all fairness, we must admit that neither the Senate nor the House have focused on the problem. For example, how do you determine and define racial imbalance? What percentage do you use? Does the concept include suburban communities as well as core cities? If you decide that a community is racially imbalanced, what remedies flow from that? Should there be a national policy of busing, and what would that mean to the traditional relationship between the Federal Government and the local school districts? Should there be a voluntary system of busing? If so, under what circumstances and what kind of Federal assistance?

Mr. MUSKIE. Mr. President, will the Senator yield at that point?

Mr. MONDALE. I am glad to yield.

Mr. MUSKIE. The question of racial balance and racial imbalance, which I think is raised by the Stennis amendment, is one that we ought to focus on rather precisely.

I have undertaken, in discussion with constitutional lawyers, lawyers who have followed the school desegregation cases, to determine whether or not racial balance has yet been decreed by the courts with respect to de jure segregation in the South. I understand from them that this concept has been very carefully avoided in any decisions that have as yet been handed down, because of the obvious difficulties involved. If we were to decree racial balance—that is—a precise proportional racial balance as the policy to govern school enrollments across this country, we would in a sense achieve the very limitations upon freedom of choice that the dual school system of segregation imposed upon parents and children for years.

Thus, racial balance is not yet the objective, as I understand it, of the courts in dealing with de jure segregation, nor is it yet, of course, the objective of desegregation policies as stated by Congress itself.

The second point I should like to make which bears on the issue is this: Thus far, no court desegregation order deals with any jurisdictional area larger than a single school district, even in the South. There has been a single desegregation order covering a single district in the city of Atlanta, I think another in the city of Houston, and possibly another in the city of New Orleans. Even in the South, therefore, those who seek to enforce the law and the court's decisions have avoided plunging into the metropolitan segregation problem at this point, because school busing in a massive area like New York, for example, is totally inadequate to achieve racial balance, even if racial balance were the objective, which it is not as yet.

So this problem of dealing with segregation in these massive metropolitan areas is one which, as the Senator from Minnesota has stated, we have yet to deal with effectively, or indeed to focus on as we should. It is a problem that exists North and South, and it is one with which we should come to grips. It is going to require a massive injection of resources to reconstructure the basic patterns of living which undergird de facto segregation in metropolitan areas, North and South.

Mr. MONDALE. Mr. President, will the Senator yield at that point?

Mr. MUSKIE. I yield.

Mr. MONDALE. I think a study is necessary and it should include an analysis of the relationship of quality education to de facto segregation.

Why is it, for example, that practically all the impoverished Mexican-Americans live together in East Los Angeles? Why is it that practically all the impoverished blacks in Los Angeles live in and around the Watts area. The same phenomenon is seen elsewhere. Is it not possible that a big part of it stems from the fact that for generations we have been denying the poor of this country the basic educational, motivational, nutritional, and other tools that a human being needs to be able to move out into society, to make such choices as where he wishes to live and what kind of business he wishes to pursue? Perhaps the key is to focus on the problem of human deprivation, and to correct these monstrous wrongs before they overwhelm us.

Mr. MUSKIE. I could not agree more completely with the distinguished Senator from Minnesota. I should like to add one other point: Yesterday, as I listened to the debate—and I listened to it most of the day—I heard the argument made in support of the Stennis amendment that we ought to have one law applicable to all areas of the country.

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

Mr. MUSKIE. May I have 2 additional minutes?

Mr. SCOTT. Mr. President, I yield the Senator 3 additional minutes.

Mr. MONDALE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. All attachés will take their seats.

Mr. MUSKIE. One difficulty, of course, with the concept of one law governing all areas of the country is that the law must apply to widely varying kinds of situations, and that the same application might not necessarily produce the same result or get at the same problem everywhere.

But there is another concept that I think was mentioned only by the distinguished Senator from Michigan (Mr. HART) yesterday, and that is that our first concern should be that there be one Constitution in this country, applicable to all parts of the country. The constitutional question which has been hit—and the only one that has been hit—by our school desegregation decisions and laws is that of de jure school segregation.

Wherever de jure segregation exists, North, South, East, or West, it ought to be given the constitutional treatment that the courts have decreed. But if we now, by adopting the Stennis amendment, dilute our actions to give that constitutional protection wherever it exists, in order to pursue another form of segregation that has not yet been treated by the courts in a constitutional way, then it seems to me we are making the decision that here are two Constitutions in this country, one that applies to the South and another that applies to other parts of the country.

So my view is that we ought first to come to grips effectively—as I think we gradually are, after 16 years of effort—with the problem of eliminating dual school systems which were decreed by State or local law or official policy. We ought to move immediately to deal with de facto segregation wherever it exists, and it is going to exist increasingly in the South and in the southern metropolitan areas, just as it does in the North; and that treatment is going to have to be far different. To ignore it is to ignore the evidence of our eyes in the great metropolitan areas of our country. We have to restructure—as I said earlier—we have to restructure these metropolitan areas—Atlanta, New Orleans, Houston, New York, Baltimore, Cleveland—if we are really to achieve a free mixture of all races and all ethnic groups in this country.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. PELL. Mr. President, I yield myself 2 minutes on the bill, to engage the Senator from Minnesota (Mr. MONDALE) in a colloquy which might clarify the issue for those of us who are not lawyers.

As I see it, the problem we have here is that segregation which comes out of previous local law or ordinance has been ruled unconstitutional by the Supreme Court. Is that correct?

Mr. MONDALE. The more accurate word would be segregation that arises from official discriminatory policies.

Mr. PELL. Even the word "discrimination" is invidious, I think; but segregation which arises out of official acts has been ruled unconstitutional. Is that correct?

Mr. MONDALE. That is correct.

Mr. PELL. But segregation that is the result of economic condition, housing or other patterns of life has not been ruled either unconstitutional or constitutional; there simply has been no ruling, is that correct?

Mr. MONDALE. The Brown versus Board of Education case, and those that have followed, have drawn the distinction to which the Senator is now referring. They have not declared so-called de facto segregation unconstitutional, because it does not arise from a State or local governmental act; it arises for private reasons. Therefore, if there is no State action involved, this type of segregation is not declared unconstitutional.

HEW enforcement of title VI of the Civil Rights Act of 1964 follows the Court decisions.

Mr. PELL. But am I correct in also saying that the terms "de facto" and "de jure" are really judicial words of art, that have never before, until yesterday, been adopted in law by the Congress?

Mr. MONDALE. That is correct. Provisions in the Elementary and Secondary Education Act and the Civil Rights Act of 1964, which the Stennis amendment does not change, prohibit conditioning the payment of Federal education funds for education on a requirement that racial imbalance be corrected. So the present

policy of the law leaves de facto segregation untouched with respect to Federal assistance programs in education.

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

Mr. PELL. I yield myself an additional 3 minutes on the bill.

So the present law of the land really is equally applied all over the United States, in that, in those areas of the country where pupil placement practices are ruled unconstitutional, because of prior local official acts steps are taken to rectify the condition. But in those parts of the country where segregation occurs as a result of economic habits, of working habits, or of living habits, North or South, no court action is taken to prevent it.

Mr. MONDALE. That is correct.

Moreover, it has been mentioned here that official discrimination has been attacked by the Justice Department and the Department of Health, Education, and Welfare only in the South. The truth is that there have been a number of governmental actions attacking official discrimination in school systems outside the South—in Pasadena; in Los Angeles; in Ferndale, Mich.; in South Holland, Ill., to name just a few.

In other words, it is not an attack on the South. It is an attack on official discrimination wherever it is found.

Mr. PELL. What laws applied in the cases in the North that provided the basis for ruling those situations unconstitutional? Were city ordinances or State laws involved?

Mr. MONDALE. The Justice Department or local plaintiffs, for example, charged that their school boards had a policy of sorting out children or faculty on the basis of color and sending them to separate schools, just as they do in the traditionally segregated dual school system in the South.

Mr. PELL. So in those cases they were acting as a matter of policy, but not as a matter of local law or ordinance?

Mr. MONDALE. The court would not draw a distinction between segregation by law or by official administrative policy. Both would be considered illegal and unconstitutional.

Mr. PELL. In other words, one can have de jure segregation in the North.

Mr. MONDALE. And indeed there have been lawsuits that have so found. There have been lawsuits that have held unconstitutional discrimination outside of the South.

Mr. PELL. Speaking as one of the minority Members of this body who are not lawyers—and indeed the majority of our citizens are not lawyers—but do read the press reports, I think it is very confusing when the public tries to follow and understand it. I think the use of the words "de jure" and "de facto" is, to my mind, not a good idea, and I think that perhaps we made an error in incorporating those words into the Stennis amendment.

I wonder whether the real essence of the problem is not that where the segregation comes from official action, it is unconstitutional. In this regard, cannot the Supreme Court either go backward, if it wishes to—I would hope it did not—or forward and rule that segregation that comes out of the economic or housing patterns is unconstitutional, too? That is within the option of the Supreme Court, is it not?

Mr. MONDALE. That is correct. The Supreme Court has not so ruled.

Courts have found, however, the existence of an official discrimination policy in gerrymandering school districts, in discrimination in the assignment of faculties, in the deliberate location of schools as a conscious design to maintain segregated student bodies.

In other words, they have looked with some subtlety beyond just the philosophy and the definition, to see if in fact there is an official policy of discrimination. The courts have made it clear that if there is not an act of government or official policy involved, then it is a case of de facto segregation and it is not reached by the equal protection clause of the 14th amendment.

Mr. PELL. If the Stennis amendment is adopted, would that mean that there have to be a court test to see whether de facto segregation was constitutional or unconstitutional?

Mr. MONDALE. No.

What bothers me about the Stennis amendment is that it does not do one thing about de facto segregation. It decries it; it declares a Federal policy; but nothing at all is done. Nothing would follow from this amendment affecting de facto segregation. What would follow would be an important tool in the hands of those who are trying to stall the elimination of dual school systems, to call the Department of Health, Education, and Welfare and say, "You lay off. You stay away from us until you handle the problem in Chicago," which is an entirely different problem. That is where the mischief is.

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

Mr. MONDALE. I yield.

Mr. ALLEN. Will the Senator be kind enough to point out to the junior Senator from Alabama wherein the Scott amendment purports to deal with de facto segregation and to contribute to eliminating that?

Mr. MONDALE. There is a two-part strategy here, at least as far as I am concerned. I mentioned this earlier in the debate.

Mr. ALLEN. I am referring to the Scott amendment.

Mr. MONDALE. It has to be taken in context.

The Scott amendment eliminates from the Stennis amendment that part which could be used to block and imperil the elimination of official de jure discrimination wherever it is found. The Scott amendment would assure that we continue to make progress in that area.

The second amendment, which I will propose after that will create a select committee, an action committee, to study de facto segregation and come up with a series of proposals to deal with this problem in a responsible fashion. The simple truth is that no one knows how to define it, what to do about it, why it exists in the first place, and the range of remedies that might be required to deal with it. We admit that candidly.

It is a serious problem, and we think we should accept the challenge of hypocrisy made by some of the Senators and respond fully by dealing with this problem in the public policy area.

Some say that select committee is a dodge. The truth is that, unlike de jure segregation, we have no precedents. The courts have never dealt with this problem. The Department of HEW has really never dealt with this problem. Very little is known about it, about how to define it, and about what to do about it.

So it is the two actions—the action by the Senator from Pennsylvania and the measure which Senator JAVITS and I will introduce—which hopefully will bring progress in both the de jure and de facto field. I hope we have the support of the Senator from Alabama.

Mr. ALLEN. Will the Senator yield to me an additional 5 minutes?

Mr. PELL. I yield an additional 5 minutes to the Senator from Alabama.

Mr. ALLEN. I appreciate very much the eloquent statement by the distinguished Senator from Minnesota. The Senator failed to enlighten the junior Senator from Alabama as to the way the Scott amendment purports to deal with de facto segregation and to eliminate it in any way.

I invite the Senator's attention specifically to phrase 2 of the amendment which says that no local educational agency shall be forced or required to bus or otherwise to transport students in order to overcome racial imbalance. Translated into simple language, that says that there shall be no busing in the North to eliminate or attack de facto segregation.

So wherein does the amendment of the distinguished Senator from Pennsylvania seek to attack or eliminate in any way de facto segregation in the North?

Mr. MONDALE. Permit me to say, first of all, that the Scott amendment does do one thing very clearly. It says that wherever there is official discrimination, de jure discrimination, there should be a uniform policy pursued in this land—a uniform national policy. That is what I understand the President's letter—which we have on our desks this morning—to mean.

With respect to de facto segregation, the amendment proposed by the Senator from Pennsylvania leaves the law unchanged and section 2, to which the Senator from Alabama makes reference, merely restates existing law.

Mr. ALLEN. I appreciate the Senator's lengthy nonanswer to my question, but I am still waiting for the answer. In what way does the amendment seek to deal with de facto segregation? Since the Senator will not answer that question, I will ask him, in which areas of the country has the Supreme Court found segregation to be unconstitutional other than in the South?

Mr. MONDALE. Well, there have been several cases in——

Mr. ALLEN. Name one that the Supreme Court has so ruled.

Mr. MONDALE. I can only refer to cases by the lower court. I am not aware of any official Supreme Court decision.

Mr. ALLEN. In other words, all that the first section of the amendment says

is that Federal policy with respect to desegregation in the South shall be uniform in the South. Does it say anything other than that?

Mr. MONDALE. Oh yes. It makes clear that it is national policy. Permit me to say to the Senator that we can all take notice of the fact that, without drawing a moral judgment, there has been at least for a century, a deeply entrenched, well known, widely practiced dual school system in the South and it is therefore natural that most lawsuits should occur there. But there have been, in fact, lawsuits brought by HEW, the Department of Justice, and by others which are now on their way up through the courts, attacking official discrimination elsewhere in the country. In Los Angeles, in Pasadena and elsewhere.

Mr. ALLEN. The Los Angeles case was brought in a State court I believe, was it not?

Mr. MONDALE. Yes, in the State Superior Court. It is a case attacking official discrimination.

Mr. ALLEN. But still the applicability of the amendment as written and as enacted, if it is enacted, would apply only in the South?

Mr. MONDALE. Oh no. Wherever there is official discrimination. That is very clear.

Mr. ALLEN. Name some areas, then.

Mr. MONDALE. I have just named some.

Mr. GRIFFIN. Mr. President, if the Senator will yield, I would be glad to place the name of a case in the RECORD. Just yesterday I read a case involving a situation in Chicago where the lines, so far as the neighborhood schools were concerned, were determined to have been drawn for the purpose of discrimination. The Seventh Circuit upheld a decision requiring desegregation in the city of Chicago. I can tell the Senator that a case is pending now in the city of Ferndale, Mich., in which it is claimed that the school district established the assignment of schools on the basis of discrimination. I do not know how the case will come out, but that is pending now.

There are other situations, wherever lines have been drawn, or where students have been assigned as a result of school policy or district school board policy, if it was on the basis of separating or of discrimination on the basis of race, which is illegal under the 14th amendment, in the North as in the South.

Mr. MONDALE. Maybe I can amplify the question which the Senator raised. I think we will find, with adoption of the Scott amendment, a closer look at some of the Northern de facto segregation cases to determine whether, in fact, it is not really de jure official policy, applied subtly to reach the same goal. Under the Scott amendment that would come fully——

Mr. SCOTT. That is what we should have.

Mr. ALLEN. Well, Mr. President, let me express my appreciation to the distinguished Senator from Minnesota for his lengthy nonanswer to my question.

Mr. MONDALE. I thank the Senator from Alabama.

Mr. ERVIN. Mr. President, will the Senator from Minnesota yield?

Mr. MONDALE. I am happy to yield to the Senator from North Carolina.

Mr. ERVIN. Does not the Senator know that HEW and some Federal courts have construed this provision in the Scott amendment to overcome racial imbalance as not having any effect, because they claim that they are trying to establish a unitary school system in order to try to overcome racial imbalance and, therefore, it is nothing but a pretext to continue present conditions?

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). The time of the Senator from Minnesota has expired.

Who yields time?

Mr. SCOTT. Mr. President, I yield myself 5 minutes on the bill.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. SCOTT. Mr. President, the amendment offered by the Senator from Mississippi, as modified, for the worse, by the Senator from Connecticut, opens up the largest can of worms which we have had to consider here in a very long time.

The amendment, which began as an effort to delay the processes of the law in relation to de jure segregation—by deleting it without specifying precisely how—becomes, with the addition of the modification of the Senator from Connecticut, an open and overt move, so to dilute the enforcement of the law by the addition of the types of desegregation not yet ruled on by the Supreme Court, as to render virtually impossible the efficient enforcement of existing law and precedents by law enforcement agencies.

I think perhaps a Connecticut Yankee has entered King Arthur's Court and sold them a bill of goods. I would hope that they would examine what it is they are buying, because the modified amendment now provides for equal application of the laws in matters of segregation de jure and de facto in all sections of the country—I repeat, in all sections of the country.

Therefore, what I would call a Connecticut Yankee modification of the amendment has the effect of saying that hereafter in the South, as in the rest of the country, the pursuit by law enforcement officers shall extend to de facto segregation without waiting for the action of the Supreme Court on it.

I hope that the Supreme Court will decide to do something about that matter, too, and decide it affirmatively.

But, without waiting for that, we will now have, if the amendment is agreed to, a decision that after de jure segregation has been pursued as far as it can be pursued, in all sections of the country, including the South, the white student will have gone to the private schools and the blacks will have attended the public schools and then we will have a situation where we will have resegregation; and then, in the South, as in the rest of the country, we will have a United States policy stated of an attempt to enforce the unsegregation of the resegregated areas nationwide, which is a matter highly exalted in principle and most desirable, but would, in fact, operate as a total breakdown of the law all over the country.

That is why the administration—as are the sponsors of the Stennis amendment, in an equal application of the law, accepting that motivation—has written a letter to me as of yesterday, following the debate, which I shall offer for the RECORD in full, but which states:

> This confirms that the following language was prepared by the administration and furnished to you for possible use in the Senate during the meeting this morning of Republican congressional leaders with President Nixon.

The amendment is set forth in the letter. It is the exact amendment which I offered with the exception that later the Senator from Colorado added the words "or aside." Other than that, there is no change.

The letter goes on to say, paraphrasing it, that what is sought is a declaration of senatorial intent behind the declaration of policy that several days ago the President indicated support of the concept of the Stennis amendment—which is something I said on the floor—to the extent that it would encourage equal application of law throughout the country. It says that the administration has proposed, alternatively, the revised language which I have submitted, for the reason that it would not prejudge de facto segregation—and I call particular attention to the next line—but would validate it in the South as elsewhere so long as the courts have not held such segregation unconstitutional.

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

Mr. SCOTT. Mr. President, I yield myself 5 additional minutes on the bill.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for an additional 5 minutes.

Mr. SCOTT. Mr. President, stopping right there for the moment, the effect of the Connecticut Yankee modification here is simply that, as the administration points out, it would not invalidate de facto segregation in the country at large, but it would validate it, because one can read the amendment either way, it cuts both ways. It validates de facto segregation in the South as well as in the North.

So all of the tears that have been shed here over the unsatisfactory conditions of our schools nationwide—and much of the criticism is valid—are washed away by the sheer logic of the amendment if it is read in the way it can so readily be interpreted—namely, that it would validate de facto segregation in the South under an equal application of the law because it would validate de facto segregation everywhere, since it calls for an equal application of the law. And one is not yet in a position where he can say what the Supreme Court will do on de facto segregation. If de facto segregation is wrong, there is no High Court decision on it.

Immediately this law is passed, if it is passed, it will then be argued by the same people who want equal application of the law that this would not attempt to en-

force their own policy which they have declared—namely, the application of these same law enforcement policies to de facto segregation as to de jure segregation.

Going on with the letter, it says that it is also correct that a variation of this language suggested today by me and Senator TOWER would be acceptable to the administration, as both of us are informed.

That refers to a suggestion I made which does not appear in the amendment. I made the suggestion to the Senator from Texas that if the word "unconstitutional" would not be acceptable to him, perhaps we could substitute the words "as required by the Constitution."

I found that was unacceptable in other quarters, although it was acceptable to me because they are the words of the modification of the Whitten amendment which I proposed last year and which was adopted by the Senate. That does not appear in the amendment. It would have been satisfactory to me, as this letter points out.

Going to the final paragraph of the letter from Bryce N. Harlow, Counselor to the President, it says:

> Once again, the issue here is a question of declaring national policy. The present Senate debate will establish the full meaning of that declaration. Your amendment . . ."

The Scott amendment—

> is Administration language, preferred in existing circumstances of the original or amended Stennis proposal . . .

I expect to hear arguments in a few minutes here that it is not preferred. But I do not see how such arguments can validly lie in view of the White House letter which states that it is preferred. So I affirm now, as against possible future arguments as well as present arguments that when the administration says my amendment is the administration language, that is what they mean when they say it is preferred under the circumstances over the original or amended Stennis proposal. That is what they mean.

The letter continues:

> But as was indicated last week and at noontime today other approaches would also accord with the President's basic object—equal treatment under law . . .

Which is my object—

> to the degree that they would give validation to de facto segregation in the South in the same measure that it is constitutionally permissible in the rest of the country.

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

Mr. SCOTT. Mr. President, I yield myself 2 additional minutes on the bill.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 2 additional minutes.

Mr. SCOTT. Mr. President, that is the end of the letter. In other words, if de facto segregation is constitutionally admissible in some parts of the country, it is admissible in the South. If de facto segregation is constitutionally inadmissible in other parts of the country, it is inadmissible in the South. That is equal application of the law. I do not know how one can state it any plainer than that.

What happened yesterday, I think, was that there was a good deal of sentiment to get on the side of the piety of the debate and to say that everyone is against segregation. That is an acceptable statement. It is a noble sentiment. I am glad that so many of us share it. It is high time.

The PRESIDING OFFICER. There will be order in the Chamber so that the Senator will be heard.

Mr. SCOTT. Mr. President, I would appreciate it if the Senators could hear what I have to say. It is an acceptable statement. But in saying that the laws should be applied equally in aiding de facto segregation, what we have done is to say that regardless of those matters where the Court has ruled, as distinguished from those matters where the Court has not ruled, we want court law to be applied before we know what it will be. I use the word court law facetiously, because I think there are times when the Court does make law. And I think that is unfortunate, too.

But all we are trying to achieve here is an amendment that is open to acceptable language if we can have agreement on both sides.

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

Mr. SCOTT. Mr. President, I yield myself 2 additional minutes on the bill.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 2 additional minutes.

Mr. SCOTT. Mr. President, all we are trying to achieve here is an equal application of the law, and no amount of piety will obscure it. All we are trying to achieve is that the rule of law shall apply equally. And no amount of oratory can evade it. All we seek to achieve here is that the courts shall be expected not to apply the law unequally in one section of the country and in another. And no amount of regional argument can extinguish that.

Therefore, Mr. President, as far as I am concerned, I think our amendment deserves the most careful consideration of the Senate. As far as I am concerned, I am ready to vote.

Mr. STENNIS. Mr. President——

Mr. PELL. Mr. President, I yield 15 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 15 minutes.

Mr. STENNIS. Mr. President, I think this matter is fully understood by every Senator.

I think we ought to have a brief exchange, though, and talk about it here. It looks to me as if we could do that in a few minutes. Of course, if a full-scale debate should develop I would want everyone to be free to indulge in it as much as time permits.

Mr. President, I appreciate the position of the Senator from Pennsylvania with respect to this new letter from the White House and the pending Scott substitute. With all deference, the only thing in the world the Senator from Pennsylvania proposes is a restatement of the situation as it exists now. It refers to the law being "applied uniformly in all regions of the United States in dealing with unconstitutional conditions of segregation." The Supreme Court until now has passed on this question in the Southland and made illegal the dual system. As a practical matter, that is the extent of it. That part of the amendment would not touch topside or bottom the problem of whether we are going to have segregation illegally in one part of the country, and legally in another part of the country—period.

The second part of the amendment states that:

> No local educational agency shall be forced or required to bus or otherwise transport students in order to overcome racial imbalance.

That is already in the Civil Rights Act of 1964, Mr. President, but it has been by administration of the law held to apply only in the North or outside the South. All requirements that are heaped upon the South are excluded from the operation of the law in the North and will continue to be excluded by this amendment under the strained interpretation that they are doing all these things to destroy the dual system. The second part of the amendment consists of mere words; it is already the law. It is only applied in one area of the country. It has that same sectionalism taint to it. With all deference to those who support the measure, it has no additional meaning whatever.

Now, a word about the letter from the White House. We have had statements before. I do not find one single thing in this letter that is new. It is all right with me for the letter to come out, but there is certainly nothing new in it. It could be debated here for 2 weeks, in my opinion, as to what this section of the letter means and what this sentence of the letter means; and we would be right back where we started. I think the merits of the matter are well understood: Do Senators favor keeping the matter of desegregating schools through the law confined to the South and the South alone?

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The Senate will be in order so that the Senator can be heard.

Mr. STENNIS. That is all right.

The PRESIDING OFFICER. The Senator may proceed.

Mr. STENNIS. I thank the Presiding Officer.

The question really boils down to this: Do Senators favor continuing this pattern? The President said he does not in the statement of last Thursday. Do Senators favor continuing this pattern of desegregating the schools confined to the South alone; or do Senators favor some kind of equal application of the law throughout this Nation to eradicate this segregated condition in our schools? If Senators do favor equal application vote for the amendment as proposed by me and as amended by the Ribicoff amendment; if Senators do not, vote for the Scott amendment because it does nothing about anything except to reaffirm and reestablish the fact that we are go-

ing to have sectional enforcement in the South and nowhere else.

I see in the letter that Mr. Harlow leaves the matter open in the last paragraph. It states that there are other avenues of approach open. I think we have debated both of those avenues that are open. The Senate knows what it wants to do about it.

Mr. President, I was yielded 15 minutes. I would like to yield now to the Senator from Texas. I may need more than 15 minutes. How much time have I used?

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 3 minutes.

Mr. TOWER. Mr. President, first I would like to make one thing clear since I was involved in an interchange with my able and distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT) yesterday. I want it understood that I certainly was not questioning the word of the Senator from Pennsylvania. I think in the confusion several things were understood by different people.

I would like to point out that while this amendment was the result of an administration working paper and a proposal, it was not something the administration considered itself married to.

In the letter from which the Senator from Pennsylvania has just read, received from Mr. Harlow, there are the words—

> But as was indicated last week and at noontime today other approaches would also accord with the President's basic object * * *

Therefore, I do not think any of us who are customary supporters of the President should regard ourselves as married to the proposal offered by the Senator from Pennsylvania.

I do not think it is a question of loyalty or that it flies in the teeth of the administration if we vote against the proposal because I think it has been made clear that other approaches are also valid. Such an approach was worked out to the general satisfaction of Senators who support the Stennis amendment; but it was determined that compromises should not be offered, and another substitute would be offered, which also is the product of the White House working papers. I do not think any of these suggestions came from the White House as recommendations which they must have. I think the White House has been flexible in feeling that there could be several approaches to this matter as long as the policy statement was made clear.

Therefore, I entreat my brethren on the Republican side to vote against the Scott amendment.

Mr. STENNIS. Mr. President, I yield 3 minutes of my time to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GURNEY. Mr. President, it occurs to me as one who supports the Stennis amendment vigorously and as one who entered into the colloquy yesterday with regard to the substitute proposed by the Senator from Pennsylvania that the same scenario prevails today as prevailed yesterday.

I think the letter from the White House certainly affirms the position by the distinguished minority leader that this is a position taken by the Department of Health, Education, and Welfare; but as I read the document from the counsellor, Mr. Harlow, to the President, at the tail end of the letter it makes very clear that the whole business is a matter of policy, and within this matter of policy, the letter states:

> The issue here is a question of declaring national policy.

Then, it states in the closing part of the letter:

> But as was indicated last week and at noontime today other approaches would also accord with the President's basic object—equal treatment under the law—to the degree that they would give validation to de facto segregation in the South in the same measure that it is constitutionally permissible in the rest of the country.

Mr. President, that is quite clear to me. The administration is saying here that we are engaged in a very vigorous debate on this whole problem as it affects not only the South, but also the North, East, and West; and that the President and the administration are certainly not adverse to our threshing out on the floor of the Senate a vital national policy and coming up with something we think is right and honorable and which will accomplish what ought to be done.

So, as I see it, while the President is saying, "Yes, the language of the substitute is something we approve, neither do we disapprove of the Stennis amendment and neither do we urge any people on our side of the aisle to vote against the Stennis amendment or anything else they consider as helpful in resolving this great national issue."

I do not suppose, if I may say so, that there is anybody in this Chamber who has supported the administration more vigorously than I did last year and so far this year, and I find it in no way contradictory to my conscience or my support of the administration in still supporting the Stennis amendment, because I think in my own view——

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

Mr. GURNEY. May I have an additional 2 minutes?

Mr. STENNIS. I yield 2 additional minutes to the Senator from Florida.

Mr. GURNEY. So I would say, in my own view and my own conscience—and in talking with some of my colleagues I think they feel the same way—that our support of the Stennis amendment indeed supports the President's position as he outlined it a few days ago better than perhaps any other approach. He certainly was forthright in his statement that he wants equal application of the desegregation laws throughout the Nation; that he is opposed to forced busing; and that he supports neighborhood schools. As I have listened to this debate and read about it, and as I also have seen the problem firsthand in my own State, the Stennis amendment, as we amended it yesterday, accomplishes this purpose best.

Mr. STENNIS. Mr. President, what remaining time do I have of the 15 minutes?

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mr. PELL. Mr. President, what is the actual time situation? As I understand, there is no time remaining on the amendments.

The PRESIDING OFFICER. That is correct.

Mr. PELL. And on the bill, how much time do I have?

The PRESIDING OFFICER. The Senator has 101 minutes on the bill.

Mr. PELL. How much time does the Senator from Pennsylvania have?

The PRESIDING OFFICER. The Senator from Pennsylvania has 142 minutes left.

Mr. PELL. Mr. President, we are in the inequitable position where both sides, as a matter of fairness, are opposed; but, in fairness to myself, I was opposing the amendment, and I would like to ask the Senator from Pennsylvania if he may release some of his time at this time.

Mr. SCOTT. Mr. President, I yield 10 minutes to the Senator from Mississippi.

Mr. STENNIS. I thank the Senator. I yield 3 minutes to the Senator from Wyoming (Mr. HANSEN).

Mr. HANSEN. I thank the distinguished Senator from Mississippi for his courtesy.

Mr. President, let me say, first of all, I have read the letter from Mr. Harlow. I call attention to the first line of the last paragraph, which reads:

> Once again, the issue here is a question of declaring national policy. The present Senate debate will establish the full meaning of that declaration.

I quite agree with Mr. Harlow that we in the Senate should do precisely that. The question before the Senate is to review the situation as it exists in the country today. As we do this, I think we must conclude that there is great merit in the statements made by the Senator from Connecticut (Mr. RIBICOFF) and great merit in the statements that have been made by the Senator from Mississippi (Mr. STENNIS).

I am going to support the amendment proposed by the Senator from Mississippi, as amended by the Senator from Connecticut, because to me it spells out, in clear and unequivocal terms, a policy that this country should willingly adopt.

Let me quote from the speech made on the floor yesterday by the Senator from New York (Mr. JAVITS). He said two propositions face the Senate today—and I am reading from the language of the Senator from New York—as it appears on page 3594 of the February 17, 1970, RECORD:

> All efforts to desegregate will stop, and it will be impossible to go on; or there will be Federal interference of such size, magnitude, and depth that the country will be appalled if this measure becomes law.

I think that what the Senator from New York was pointing out probably has some merit to it. I say that because this sort of partial and unfair administration of the law has been heaped upon the South, and the South no longer deserves that treatment. The laws of this country should be applied uniformly to all the 50 States. That is precisely what

the amendment of the Senator from Mississippi intends to do.

If the law is applied uniformly, then we will have reason to forget that the Civil War was fought a little more than 100 years ago. We can think as a united nation. We can say to blacks in the South and blacks in the North, "You will be treated as Americans. You will be treated alike, no matter where you live." That is exactly what we should tell them.

When the President of the United States said what he did about the equal application of the laws throughout all of the United States, it had great meaning and relevancy to all of our people. I would hope a person would not have to be a lawyer to understand what the President of the United States meant when he spoke out so clearly and unequivocally with the hope that people throughout every bit of this country could rest assured that the full force and direction of this administration would be to see that the laws are applied uniformly.

That is all the Stennis amendment proposes to do. It deserves the support of the Senate. I hope Senators will give it the support that I think the people of this country feel the President of the United States was asking for when he spoke out recently.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Florida.

Mr. HOLLAND. Mr. President, I am glad the letter referred to is in the RECORD, because it shows so clearly what is proposed by the amendment of the distinguished minority leader.

Mr. SCOTT. Mr. President, if the Senator will yield, I may not have put it in the RECORD, but I ask unanimous consent to do so now.

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

THE WHITE HOUSE,
Washington, February 17, 1970.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: This confirms that the following language was prepared by the Administration and furnished to you for possible use in the Senate during the meeting this morning of Republican Congressional Leaders with President Nixon:

"SEC. 2. It is the policy of the United States (1) that guidelines and criteria established pursuant to Title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with unconstitutional conditions of segregation by race in the schools of the local educational agencies of any State; and (2) that no local educational agency shall be forced or required to bus or otherwise transport students in order to overcome racial imbalance."

It is unfortunate that confusion has arisen over the Administration position in this matter. Fundamentally the question here is one of establishing Senate intent behind a declaration of policy. Several days ago the President indicated support of the concept of Senator Stennis' amendment to the extent that it would encourage equal application of law throughout the country. The Administration has proposed, alternatively, the revised language which you have submitted, for the reason that it would not prejudice de facto segregation but would validate it in the South as elsewhere so long as the courts have not held such segregation unconstitutional. It is also correct that a variation of this language suggested today by you and Senator Tower would be acceptable to the Administration, as both of you were informed.

Once again, the issue here is a question of declaring national policy. The present Senate debate will establish the full meaning of that declaration. Your amendment is Administration language, preferred in existing circumstances over the original or amended Stennis proposal—but as was indicated last week and at noontime today other approaches would also accord with the President's basic object—equal treatment under law—to the degree that they would give validation to de facto segregation in the South in the same measure that it is constitutionally permissible in the rest of the country.

Sincerely,

BRYCE N. HARLOW,
Counsellor to the President.

Mr. HOLLAND. After declaring that the writer of the letter and the White House understand that what we are trying to do is to declare national policy, the letter goes on to say that the reason they prefer this pending version to the Stennis amendment is, and I quote from the letter:

> It would not prejudge de facto segregation but would validate it in the South as elsewhere so long as the courts have not held such segregation unconstitutional.

To me, that simply means the Senate has no idea at all that de facto segregation is unconstitutional; is not willing to say so until the courts have said so. Indeed, when the legislation was passed by the Congress, Congress was passing it as general legislation, not making any reference to de jure or de facto segregation, but simply making it provide that segregation was unlawful.

Now we are asked—and this memorandum makes it clearly so—to pass the substitute because—

> It would not prejudge de facto segregation but would validate it in the South as elsewhere so long as the courts have not held such segregation unconstitutional.

Then the closing words in the letter:

> Equal treatment under law—

That is what the President wants—

> to the degree that they would give validation to de facto segregation in the South in the same measure that it is constitutionally permissible in the rest of the country.

It seems to me that the letter goes far to validate de facto segregation wherever it may occur. As bait to the South, it puts in advice that de facto segregation is probably constitutional in the South as it is in the rest of the Nation. As one southern Senator, I do not propose to rise to that bait. I am not going to support the substitute amendment.

I want to say one further thing. The RECORD and the Congressional Quarterly show that this particular Senator supported the President more often last year than any other Senator on this side of the aisle; to wit, 61 percent of the time.

The Senator from Florida has no apology to make for that. He is going to continue to support the President when he thinks he is right. He is not going to support the President when he thinks he is wrong; and he thinks the President is wrong if he supports the philosophy expressed in this letter, because it simply, in effect, says that the Senate has no opinion at all on de facto segregation so long as the courts have not yet seen fit to rule upon it. The Senator from Florida is not going to take that position by his vote, but will continue to support the amendment of the Senator from Mississippi (Mr. STENNIS).

Mr. STENNIS. I thank the Senator.

Mr. President, did the Senator from Florida use his full 5 minutes?

The PRESIDING OFFICER. He did not. The Senator from Mississippi has 4 minutes remaining.

Mr. STENNIS. I yield 2 minutes to the Senator from North Carolina (Mr. ERVIN).

Mr. ERVIN. Mr. President, down in North Carolina, some of the members of rural Methodist churches are somewhat emotional in responses to their preacher, and when the preacher says to them something they agree with, they say, "Amen, brother."

I do not know how the Quakers are on that. They are rather reserved people; I do not know whether they give vent to their emotions. But I want to read the message sent to me by William E. Timmons, assistant to the President, on February 12, 1970, in which he says:

> It is the view of this Administration that every law of the United States should apply equally to all parts of the country. To the extent that the "uniform application" amendment offered by Senator Stennis would advance equal application of law, it has the full support of this Administration.

Mr. President, that is all that the amendment offered by Senator JOHN STENNIS would do. It would advance the equal application of the law, and I tell you no North Carolina Methodist could have said more strongly than the Quaker in the White House, "Amen for the Stennis amendment."

Mr. STENNIS. Mr. President, I have 2 minutes, I believe. I understand that the Senator from Alabama has 10 minutes from the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 10 minutes, on the time of the Senator from Michigan.

Mr. ALLEN. Mr. President, I appreciate being extended time by the distinguished Senator from Michigan (Mr. GRIFFIN). It appears that both controllers of time apparently are against the Stennis amendment and in favor of the Scott amendment; but I do appreciate the indulgence of the distinguished Senator from Michigan.

The Scott amendment, in the judgment of the junior Senator from Alabama, is the most arrogant, the most supercilious, the most callous, the most cynical proposal that I have seen come into the U.S. Senate during the brief time that I have had the honor of representing the people of Alabama in this august body.

Stripped of its excess wording, the amendment seeks to do two things, and two things only: it provides for uniform desegregation in the South. That is the extent of the uniformity. It is not uniformity throughout the country. It says that the desegregation criteria and guidelines shall be applied uniformly in

those areas where segregation has been ruled to be unconstitutional.

The only place that the Supreme Court has ruled that segregation is unconstitutional is in the South. Therefore, the amendment says, "Apply desegregation policies uniformly in those areas, namely, the South." Uniform desegregation in the South; that is phase I of the amendment.

Second, no busing in the North, because the second phase of the amendment says that no local educational agency shall be forced or required to bus or otherwise transport students in order to overcome racial imbalance, and HEW takes the position that racial imbalance is the same thing as de facto segregation.

So the purpose of the amendment and the effect of the amendment is to freeze into the law of the land the inequitable Federal policy with reference to our public schools that permits segregation in the North and that requires, by punitive measures, desegregation now in the South.

We come in, and all we ask, by the Stennis amendment, is the equal protection of our law. That is not too much for the people of the South to ask, in the judgment of the junior Senator from Alabama. We ask equality before the law. We ask equal protection of the law. The Bible, with reference to a similar situation, quotes Jesus as saying:

> What man is there of you, whom if his son ask bread, will he give him a stone? Or if he ask a fish, will he give him a serpent?

All we are asking for is the equal protection of the law, and the answer we receive is, "No, you are not going to have equal protection of the law. We are going to freeze this inequitable policy into the statutory law of the land."

That is the answer that we get. I hope that the Scott amendment will be defeated. I notice that this letter from the President, signed by Mr. Harlow—and if this is part of the Southern strategy that we read about, I say it has failed, because the people of the South are not going to buy the Scott amendment; they are not going to accept a continuation of this inequitable Federal school policy that does permit freedom of choice, and the choice apparently is segregation, in the North, and requires immediate desegregation in the South—is referred to as being the President's letter. He was not proud enough of this letter to sign it himself. He has Mr. Bryce Harlow sign the letter. I do not know whether this is Mr. Bryce Harlow's opinion, or whether it is the President's.

The President when he was a candidate for the Presidency, did not send Mr. Harlow down into the South, to say that he was opposed to busing and that he was in favor of neighborhood schools. He went himself. This letter, signed by Bryce Harlow, is not, to my way of thinking, a statement from the President himself. If the President himself takes this position, his Southern strategy has failed. That is my assurance to him.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield my 2 remaining minutes to the Senator from California.

Mr. MURPHY. Mr. President, I listened with great interest to the debate yesterday, and I have listened this morning. I have read this letter very carefully, and the letter appears to me to be written for the purpose, by a counselor of the President—there is no indication that the President wrote the letter, or saw it, or knows of it—of clearing up what appeared to be a misunderstanding of the administration position which is reflected in the colloquy yesterday between the distinguished minority leader and the Senator from Texas.

I do not think that this letter changes the President's stated position with regard to the Stennis amendment one iota. I find nothing in that except possibly wishful thinking. I think the key words, which are stated again by Mr. Bryce Harlow, are "the President's basic object—equal treatment under the law."

Those are the words that are important.

I do not think that the appearance of this letter should be given nearly the amount of attention it has received here this morning. I think this letter is merely an explanation of what was apparently a controversy and a misunderstanding on this side of the aisle yesterday, and I think the RECORD should clearly state that.

I do not think the President's position in this matter has changed one iota. I have seen nothing and heard nothing that would indicate that it had.

Mr. GRIFFIN. I yield myself 2 minutes.

Mr. President, before this very important vote is taken, I want to say that, regardless of the outcome, the Senate and the Nation owe a great debt to the distinguished Senator from Mississippi (Mr. STENNIS). I wish to indicate my very high personal regard and respect for him and the way he has conducted this debate.

I realize that there will be further debate on other amendments, but presumably this vote will be a critical vote in terms of the pending Stennis amendment.

The Senator from Mississippi has without doubt compelled Senators, whether they are from the North or the South, to search their consciences and to face up to the hard question that de facto segregation in our Nation poses. He knows, of course, that I do not agree with him on the merits of his amendment. If I were not a lawyer, I might well join in the support of it.

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

Mr. GRIFFIN. I yield myself 1 additional minute.

Aside from the merits, I think that his amendment, his debate, his careful research, and the record he has made of the hypocrisy that does exist in the North and the extent to which there is de facto segregation have been of service to the Senate and to the Nation.

Without doubt, regardless of the outcome—and this is only a statement of policy, even if it is adopted—I believe there will be other actions taken by Congress to try to deal with the difficult problem of de facto segregation. We are going to have to define and limit it and come to policy decisions as to what is and what is not de facto segregation. Of course, we do not know that in the present situation.

So, while I will vote for the Scott amendment with enthusiasm, because I think that under the circumstances it is the best course before the Senate, and while I will vote against the Stennis amendment, if it comes to that point, I did want to make this statement to the Senate while the Senator from Mississippi is in the Chamber.

Mr. STENNIS. I thank the Senator.

Mr. MANSFIELD. Mr. President, will the Senator yield me 2 minutes?

Mr. GRIFFIN. I yield 2 minutes to the distinguished Senator from Montana.

Mr. MANSFIELD. Mr. President, as I understand it the Stennis amendment has now been corrected or amended by the distinguished Connecticut Yankee, the Senator from Connecticut (Mr. RIBICOFF) who added the words on line 8, after the word "race," "whether de jure or de facto." Is that correct?

Mr. HOLLAND. That is correct.

Mr. MANSFIELD. So both aspects of the problem are faced up to. It is made clear that neither de facto nor de jure conditions are being given exclusive or sole consideration.

In the amendment offered by the Senator from Pennsylvania (Mr. SCOTT)—which has the administration's approval, I understand—it is my understanding that all it does, in effect, is to restate in different words the effect of the 1964 Civil Rights Act. Is that correct?

Mr. STENNIS. That is my version of it, Mr. President. That is what I think.

Mr. MANSFIELD. And the 1964 Civil Rights Act, in effect, says that no one shall be forced or required to bus or otherwise transport students in order to overcome racial imbalance. Is that correct?

Mr. JAVITS. That is correct.

Mr. MANSFIELD. In other words, that is a part of the law which is now in operation.

Mr. JAVITS. Exactly. And I might tell the majority leader that it is also contained in the bill which is before the Senate, and it has not been challenged.

Mr. MANSFIELD. So this would reinforce it triply.

Mr. JAVITS. That is correct.

Mr. MANSFIELD. The word "unconstitutional" is used in the substitute before us. Does the word "unconstitutional" take in de jure and de facto conditions in the sense that the distinguished Senator from Connecticut added them to the Stennis amendment?

Mr. JAVITS. Yes. The reason I say that, if the Senator will allow me—and we will get him more time if he needs it—is that if the courts declare de facto segregation in any case unlawful—to wit, unconstitutional—then the reach of the amendment would include de facto segregation so declared to be unconstitutional.

Mr. MANSFIELD. Would it be possible to erase the word "unconstitutional" and put in the phrase "de jure or de facto"?

Mr. JAVITS. If that were done, I should like to explain to the Senator, it is my judgment—I am speaking now only

as a lawyer and I think that is what the Senator wants me to do——

Mr. MANSFIELD. Yes. I am not a lawyer.

Mr. JAVITS. I am speaking only as a lawyer. Other lawyers may disagree with me. I think that could then be construed as adding an additional dimension to what the courts might otherwise decide.

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

Mr. GRIFFIN. I yield 2 additional minutes.

Mr. JAVITS. The reason I say that is not that the Court could expand the Constitution by including de facto if it were not constitutional to include it. But as this is a general statement of policy, it would be fair for the courts to say, "Congress had asked us to consider de facto segregation as unconstitutional." It is strictly a fact.

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

Mr. MANSFIELD. I yield.

Mr. STENNIS. I respectfully disagree with the Senator from New York. I think the word "unconstitutional" as applied here ties in with the decision of the Supreme Court, which has passed directly only on the segregation now called de jure, which is the so-called dual system. It has not directly passed on the other.

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

Mr. MANSFIELD. I yield.

Mr. JAVITS. There would be no reason why, if one wanted to put in words what I have just said, he could not add, after the word "unconstitutional," "whether de facto or de jure," because that is what it means.

Mr. MANSFIELD. If that is what it means, why not take out "unconstitutional" and put in "de jure and de facto"?

Mr. JAVITS. The reason is that, as I pointed out, if you do not couple it with the word "unconstitutional," you may be including de facto segregation, which is now not unconstitutional. I do not understand Congress to desire to legislate affirmatively with respect to de facto segregation. So that you have to include such segregation, whether de facto or de jure, which is unlawful.

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

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

Mr. MANSFIELD. Briefly.

Mr. HANSEN. May I say that I think we are getting down to the nub of the issue. The fact is, as the Senator from New York indicated yesterday, that if we were to strike both de facto and de jure segregation:

> All efforts to desegregate will stop, and it will be impossible to go on; or there will be Federal interference of such size, magnitude, and depth that the country will be appalled if this measure becomes law.

In other words, it seems to me that what is being said is that it is all right to have a certain kind of desegregation enforced so long as you do not make its sweep broad and encompass the whole country, and if you do that, it is going to bring chaos in the North.

That is precisely what the Senator from Vermont pointed out yesterday, when he said that the North does not object. The people who object are a few big cities, and I can understand the concern of the Senator from New York.

I think the laws of this country ought to be enforced fully in all the 50 States; they ought to be enforced impartially.

Mr. JAVITS. Mr. President, will the Senator yield 1 minute to me?

Mr. GRIFFIN. I yield 1 minute to the Senator from New York.

Mr. JAVITS. I must say that this business of dragging New York through here as a whipping boy is just as bad and comes under the same quotations that have been used before about dragging the South through here as a whipping boy, and I think it ought to stop. New York ought to stand on its merits, and the Senators will vote as their consciences dictate, whether they come from the 10 biggest cities or not. I think it is high time we stopped calling, "Hey, Rube!" on the floor of the U.S. Senate.

Mr. McINTYRE. Mr. President, I favor equal protection of the law no matter where.

I favor equal application of the law no matter where. I oppose de facto and de jure segregation both no matter where they occur.

I am opposed to busing.

I supported the change in the amendment by the Senator from Mississippi (Mr. STENNIS) made by the Senator from Connecticut (Mr. RIBICOFF). The Senator from Connecticut added a specific mention of de facto and de jure segregation to the amendment by the Senator from Mississippi. I believe that if the Senate finally adopts the amendment by the Senator from Mississippi it would be strengthened by the addition of these words.

The pending business of the Senate is a substitute to the amendment by the Senator from Mississippi (Mr. STENNIS) offered by the Senator from Pennsylvania (Mr. SCOTT). I believe this substitute has merit because it contains a clear statement of opposition to busing and assignment of pupils to a statement of policy applying the guidelines and criteria on school desegregation uniformly throughout the Nation. The amendment by the Senator from Mississippi does not contain the clear statement on bus'ng and assignment of students. I plan to support it.

At the same time, the long and arduous debate which has occurred on this problem and the sharp disagreements as to the exact meaning of the various proposals before the Senate indicates to me that the mere adoption of the substitute by the Senator from Pennsylvania or the passage of the amendment by the Senator from Mississippi will not bring us to our goal of solving the matter of segregation in our schools.

I feel quite strongly that it is time that we take a really fresh look at the relationship between education and race. The proposals before us make clear that this is our intent. But, they may or may not go far enough.

It is for this reason that I additionally favor the amendment of the Senator from Minnesota (Mr. MONDALE). I believe this will give us a chance to build on whichever of the proposals we adopt here today. It will provide the kind of deliberations which can be conducted by a bipartisan select committee with a year to make its study, arrive at its conclusions and make its recommendations.

I will favor this amendment by the Senator from Minnesota because it calls for a day certain by which the select committee must report to the Senate and the Senate will then have this wealth of information on which to base its final judgment.

Mr. MANSFIELD. 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 (Mr. GRAVEL in the chair). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Montana will state it.

Mr. STENNIS. Mr. President, may we have order so that the majority leader may be heard and understood.

The PRESIDING OFFICER. The Senate will please be in order.

The Senator from Montana may proceed.

Mr. MANSFIELD. Do I correctly understand that all time on the Stennis amendment has been used?

The PRESIDING OFFICER. Both on the Stennis amendment and on the Scott substitute amendment, all time has expired.

Mr. MANSFIELD. How much time is left on the bill on both sides?

The PRESIDING OFFICER. 99 minutes to the Senator from Montana and 117 minutes to the Senator from Pennsylvania.

Mr. MANSFIELD. I thank the Chair.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the modified Scott amendment.

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

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Montana (Mr. METCALF) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), and the Senator from Illinois (Mr. SMITH) 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) and the Senator from Illinois (Mr. SMITH) would each vote "yea."

The result was announced—yeas 46, nays 48, as follows:

[No. 43 Leg.]

YEAS—46

Allott	Hughes	Packwood
Bayh	Inouye	Pastore
Boggs	Jackson	Pell
Brooke	Javits	Percy
Burdick	Magnuson	Prouty
Case	Mathias	Proxmire
Church	McCarthy	Saxbe
Cook	McGee	Schweiker
Cranston	McGovern	Scott
Eagleton	McIntyre	Stevens
Goodell	Miller	Symington
Gravel	Mondale	Tydings
Griffin	Montoya	Williams, N.J.
Harris	Moss	Young, Ohio
Hart	Muskie	
Hatfield	Nelson	

NAYS—48

Aiken	Ellender	McClellan
Allen	Ervin	Murphy
Anderson	Fannin	Pearson
Baker	Fong	Randolph
Bellmon	Fulbright	Ribicoff
Bennett	Goldwater	Russell
Bible	Gore	Smith, Maine
Byrd, Va.	Gurney	Sparkman
Byrd, W. Va.	Hansen	Spong
Cannon	Holland	Stennis
Cooper	Hollings	Talmadge
Cotton	Hruska	Thurmond
Curtis	Jordan, N.C.	Tower
Dodd	Jordan, Idaho	Williams, Del.
Dole	Long	Yarborough
Eastland	Mansfield	Young, N. Dak.

NOT VOTING—6

Dominick	Kennedy	Mundt
Hartke	Metcalf	Smith, Ill.

So the modified Scott amendment was rejected.

Several Senators addressed the Chair.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, I sent to the desk an amendment to the Stennis amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senate will suspend until the Senate is in order. Attachés will take their seats. Senators will please be seated.

The Senate will suspend until there is order.

The clerk was reporting the amendment. He may proceed.

The ASSISTANT LEGISLATIVE CLERK. The Senator from New York (Mr. JAVITS) proposes an amendment: On page 1, line 9 of the Stennis amendment, strike all after the word "State" and insert a period.

(The words sought to be stricken are: "without regard to the origin or cause of such segregation.")

Mr. JAVITS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senate will be in order. The Senator will suspend until there is order in the Chamber.

Will attachés please be seated.

The Senator from New York may proceed.

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

Mr. JAVITS. I yield.

Mr. PASTORE. As a matter of fact, I have a similar amendment.

Mr. JAVITS. I would be happy to withdraw my amendment and let the Senator offer his amendment.

Mr. PASTORE. That is all right. The Senator can offer his amendment and I will be a cosponsor.

Mr. JAVITS. Mr. President, I ask unanimous consent that the name of the Senator from Rhode Island may be added as a cosponsor of my amendment.

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

Mr. JAVITS. I would be happy to share the time with the Senator.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I wish to advise the Senate that this is the amendment I submitted last night. In order to clear the way for an early vote on the Scott substitute I withdrew my amendment. As I understand it from the Parliamentarian, such amount of time as I used last night will be deducted from the time on the amendment to the proponent.

The PRESIDING OFFICER. The Senator will suspend until the Senate is in order.

The Senator may proceed.

Mr. JAVITS. Mr. President, as I understand the situation, such amount of time as I used last night, which the Parliamentarian tells me was 10 minutes, will be deducted from the time of the proponents of the amendment.

Mr. President, I think I can explain the amendment to the Senate very quickly. The original objection that I had to the Stennis amendment, was that as it was originally drawn it did nothing but repeat everything stated in the bill at pages 151 and 152. There is, however, one different clause. This is the real substantive issue on this matter and it arises as follows:

Because there was a modern history of racial segregation in the public schools in the South attributed to governmental action, the courts have held that when you come in to prove a case in order to bring about desegregation you do not have to prove that the school system continues to be segregated in violation of the Constitution. The fact that it was segregated according to law creates a presumption in that regard.

Now, Mr. President, I have argued that the last clause of the Stennis amendment is an effort to destroy that presumption, assuming the courts follow it—the courts may say, and I am the first to say that, that it is a presumption which they have a right to make under the Constitution.

Mr. STENNIS. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, there should be some way to get order in the Chamber so the Senator can be heard.

The PRESIDING OFFICER. The Senator is correct. The only way we can do it is either to clear the Chamber of attachés or Senators. Senators will please be conscious of the fact that this debate is taking place.

If the Senator will suspend, there are only two ways to do it. I have outlined both of them. I hope Senators will be indulgent so we may hear the debate. If the noise does not cease, we will take the first action of clearing the Chamber of attachés.

Mr. JAVITS. Mr. President, the Senator from New York wishes the Chair would not do either. There is a third way. If I am interesting enough in what I have to say, the Chamber will be quiet. I suggest the Chair leave it to me.

The PRESIDING OFFICER. The Chair did not make the suggestion unkindly.

Mr. SCOTT. Mr. President, will the Senator yield to me, so that I may clarify the situation with respect to time?

Mr. JAVITS. I yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I understand time on the bill is equally divided between the Senator from Rhode Island and me. Since both of us are in favor of the Javits amendment, I ask unanimous consent that I may transfer my time on the amendment to the Senator from Mississippi. I would like to transfer my time to the Senator from Mississippi, the Senator from Rhode Island retaining his time on the amendment.

The PRESIDING OFFICER. This is the understanding.

Mr. JAVITS. Mr. President, the time on the amendment is in my control, and I now understand the time in opposition is in control of the Senator from Mississippi. I intend to share my time with the Senator from Rhode Island.

Mr. President, I may be wrong, but if I understand the temper of the Senate correctly, and I am trying my best to read it, the desire is to bring about an even level of administration of the laws of the land everywhere in the country; and the Senate, as I interpret it, feels what was done in the Appropriation Act, to wit, that there should be as much of an enforcement corps in the North as in the South, using the term "North" to refer to every other section of the country, is carried out in this idea that the law shall be equally administered.

The Senator from Connecticut (Mr. RIBICOFF) has added the additional point that if segregation can be reached by law then it should be reachable whether it is de facto or de jure.

All of this the Senate has decided, as I see it, in rejecting the Scott substitute, but what I think has not been decided is that we want to begin to change the procedures in our courts by the Stennis amendment in such a way as to affirmatively prejudice the cases reaching de jure segregation which are pending or may be brought. I say that because I have heard some Senators say there is no design or intention to turn back the clock in the South, even though we are going to call the North to a higher standard.

The purpose of my amendment is to see that we do not do that, wittingly or unwittingly; and that is all. If it cannot stand that test, and I believe it can, it should be rejected; but if it can stand that test it is a necessary amendment be-

cause every stated purpose of the amendment is accomplished without that clause. As to uniform application, it relates to de facto and de jure segregation. If the courts feel they can reach de facto segregation they will do so uniformly throughout the United States. But I do not believe we want to go one step further and prejudice the existing state of the courts' views on de jure segregation. I am deeply convinced that is what would happen.

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

Mr. JAVITS. I yield.

Mr. COTTON. Because of the confusion in the Chamber I could not hear. Will the Senator tell us the exact words he is deleting?

Mr. JAVITS. Certainly. I am deleting the words that appear at the end.

Mr. PASTORE. Mr. President, if the Senator will yield, I have the words here. They are "without regard to the origin or cause of such segregation." In other words, the amendment would stop with the word "State".

Mr. JAVITS. In other words, the amendment would then include the words "whether de jure or de facto in the schools of the local educational agencies of any State" and omit the words "without regard to the origin or cause of such segregation."

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

Mr. JAVITS. I yield.

Mr. PASTORE. Mr. President, I wish to say to the Senate that the so-called Whitten amendment has been a bone of contention before the Committee on Appropriations for some years. While I have been constantly and consistently in opposition to the so-called Whitten amendment, I have always taken the position, and I have said so privately in the committee and publicly on the floor of the Senate, that insofar as the matter of segregation is concerned, it is a cause of national rot; and desegregation should be enforced in the North, South, East, and West with equal vigor, with equal determination, and with equal justice.

I have made that position known to my southern friends time and time again. Yesterday, I rose on the floor of the Senate to ask my distinguished friend, the Senator from Mississippi, if he would delete the words "without regard to the origin or cause of such segregation." Then, I would vote for his amendment because I think his amendment does what should be done and that is that the law should be enforced uniformly throughout the entire Nation. I hope he will accept this amendment because I do not understand and I cannot see what the words mean. To me they have a dubious and I might add a suspicious connotation.

Mr. JAVITS. Mr. President, I yield to the Senator from Mississippi, who opposes my amendment.

Mr. STENNIS. Mr. President, I thank the Senator.

I would like to address this inquiry to both the Senator from New York and the Senator from Rhode Island. Unfortunately, I was called from the Chamber and I did not hear all of the argument of the Senator from New York. But since the Ribicoff amendment has been added, does the Senator think that with the words "whether de facto or de jure"—and I am referring to the words of the Ribicoff amendment—we have substantially the same meaning as the words at the end which the Senator would strike?

Mr. JAVITS. I want to be very careful. The Senator knows me very well. Whether I am for or against his position, I will tell him what I think.

Mr. STENNIS. The Senator is exactly right.

Mr. JAVITS. I think that is part of what the Senator had in mind. Probably because we feel so strongly about the good faith of the Senator from Mississippi (Mr. STENNIS), we feel that is what he had in mind. But the effect, in view of the way these cases have been conducted, will be to avoid the manner in which the Department of Justice is proving its case in the de jure segregation cases in the South. So to the extent that the de jure and de facto are now included, the court will be able to reach out, if it believes it should. It should be remembered that there are a number of circuit courts which have said they will not reach de facto segregation. The Deal case was cited yesterday, which held exactly that. But if they do reach out, the words "de facto" and "de jure" cover that part of the clause; but the other affected clause, to wit, a change in the method of proof in de jure segregation cases, would in effect be stricken from the amendment, so the Department of Justice could continue to prove its cases in the de jure situations as it has. That is my only purpose.

Mr. STENNIS. All they have to prove now is that at one time recently—in 1954—the area had laws providing for a de jure system.

Mr. JAVITS. The Senator used the word "prove" and it is not proof; it is only a presumption that the courts will make, subject to countervailing proof; namely, that it is de facto segregation. That is why I say to the Senator that the words "de facto," now included, answer the point made by the Senator from Kentucky (Mr. COOPER), because, having included in the reach of the amendment de facto segregation, it seems to me the situation is answered. The presumption could be rebutted by showing that it was de facto segregation.

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

Mr. JAVITS. I yield.

Mr. COOPER. The Senator is correct in explaining as precisely as possible the purpose and effect of his amendment, with competence, as always.

I would like to ask questions, because we are trying to find out the effect of the amendment. I may say that, at first impression, it appears that there is a difference in effect by striking the words, and that resulting from the addition of "de jure" and "de facto." I think the Senator will agree that a description of a de facto situation is a description of an existing situation, not resulting from government action.

Mr. JAVITS. No; it is also a description of a situation which could exist in the future.

Mr. COOPER. The Senator is correct.

Mr. JAVITS. If the Senator will allow me, look at the situation in New York, of which so much has been made. The fact is that there was an enormous influx of blacks into New York, and hence the situation of racial imbalance is much worse in 1970 than it was in 1954.

Mr. COOPER. May I ask this question pointed more directly to the language of the Senator? Courts thus far have held in de facto situations, other than in the 17 States referred to—there has been some disagreement, but generally the courts have held—that the Federal courts have no jurisdiction to intervene in de facto cases. That is the decision in the Deal against Cincinnati Board of Education in the Gary, Ind., case, and in a number of other cases. In the South, the same rule is not followed. For example, in the city of New York, or the city of Boston, or the city of Cincinnati, Ohio, there are de facto situations caused by housing patterns, which may have developed before or since the Brown case in 1954. A similar situation may exist in the city of Nashville, Tenn., or Louisville, Ky., or any southern city within the 17 States referred to. Although there has been no Supreme Court holding, the lower courts—district courts and the circuit courts of appeals—in the same de facto situation in the South have taken jurisdiction on the ground that at one time in history, before the Brown case, or since the Brown case, the State had intervened, and even though State intervention does not still prevail, the court will consider it to be a de jure situation. Am I correct?

Mr. JAVITS. I do not know that the Senator is correct, because he has not cited cases. He said "cases." He cited a case in which the court rejected the idea of dealing with de facto segregation, but he has not cited a case for me——

Mr. COOPER. I have cited cases dealing with de facto situations in the North. The Senator himself has said that in cases in the South, though no actual de jure segregation is involved, there was a presumption——

Mr. JAVITS. I did not say that. I said the court starts out by accepting the presumption that where there had been de jure segregation, that de jure segregation continued; but I believe the Stennis amendment, without this additional clause, now will require the courts, if they have not done so—and in my judgment that was their practice up until now—to allow that presumption to be rebutted. Unless the Supreme Court has allowed the reach of the Constitution, which it has not yet, to go to de facto segregation, it will, because of the Stennis amendment, which expressly says so, make the same regulations and laws apply in the North that it has in the South.

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

Mr. JAVITS. I yield.

Mr. PASTORE. I think we are all missing the point here.

Mr. COOPER. I do not think I am.

Mr. PASTORE. This amendment will not desegregate one single school, whether it be in the South or in the North. The amendment has to do with title VI of the Civil Rights law, which has to do

with Federal financial assistance. It has to do with Federal financial assistance. The question of whether or not the schools are going to desegregate will depend upon the mandate of the Court. Many localities are already under mandate, and there is nothing we can do to change the mandate of the Court, no matter what law we pass, because if segregation is in violation of the Constitution of the United States, the Supreme Court takes original and exclusive jurisdiction, and we in the Senate cannot take that right or prerogative away from the Court.

But the effect the amendment will have is that while HEW has been withholding funds in the South, when we pass this amendment it will have to become more or less lenient in that attitude, because unless we can bring about desegregation in the North, whether de facto or de jure, it cannot withhold money from the South while giving it to the North. That is the only thing the Senator from Mississippi wants to do as I understand it.

Mr. COOPER. We have to understand the meaning of this language. I will admit what the Senator has said about the courts is correct. Most of the cases will be decided in the courts. The Supreme Court, in line with its holding, is not required to follow language adopted by the Senate. In fact, the courts have overridden a constitutional amendment adopted by the State of California. If the facts involve a constitutional issue under the Brown case the court would probably override a constitutional amendment or statutes passed by a State or by the Congress. I am simply trying to find out, and I believe the Senator from New York has told me the answer. We will agree that in a de jure situation in the South or the North the courts can intervene, and HEW, without question, can take cognizance, and act.

There is no reason why HEW and the courts should not take cognizance of de facto situations in the North, if they do in the South.

Mr. JAVITS. As I said to the Senator—and this goes to the point ably made by the Senator from Rhode Island (Mr. PASTORE)—this presumption that the courts have indulged in we must assume HEW will also indulge in. It seems to me that you get the full benefit, and you are entitled to it, of the Stennis amendment insofar as it seeks to now make a new rule of equality or uniformity, and at the same time avoid an evil in the amendment, in reaching into de jure situations and very heavily complicating the proof in the way that the Department of Justice can make it, and that is why I felt this amendment was appropriate.

Mr. COOPER. HEW—and I have studied their guidelines, as has the Senator from New York—and it is my view that they do not attempt in their guidelines to deal with a de facto situation.

We are probably arguing over words, but I think there is a distinction.

Mr. JAVITS. The only point that I make was that it struck me—this point was raised before by Senator PASTORE before the words "de jure" and "de facto" were in, but it struck me that now there was no question about the fact that we were reaching what I believe the author of the amendment really wanted to reach, but we were going, however, beyond that, in a way that I have described, which, whether we sought to reach it or not, would be unwise for us to legislate.

I yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, forgetting for the moment the action of HEW and these other actions, is the purpose of this amendment and the result the Senator is seeking to achieve added to the principle that desegregation shall be sought with the same determination, the same vigor, in the North as well as the South? Is the main purpose to make certain the burden of proof is the same in the South as in the North?

Mr. JAVITS. It is my purpose, except that I still believe that we have a right to start from a different base, to wit, the base that the segregation was State imposed, and that, therefore, the first element of proof, to wit, that there is any de jure segregation, should be presumed, but not where there was State-imposed segregation. There the burden shifts to the defendant to show that there is actually de facto segregation.

Mr. COTTON. So it is the opposite from the understanding of the Senator from New Hampshire. The purpose is that there shall be a slightly different burden of proof in the North than in the South?

Mr. JAVITS. The question of who bears the burden of proof only, as I say, because that is the way it has been done. That is the situation up to now. I am not trying to create a new one.

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

Mr. JAVITS. I yield.

Mr. AIKEN. I should like to ask one question, if I may use layman's language, and leave out the "de jures" and "de factos" and things like that.

If the Senator's amendment is approved, is it his interpretation, then, that the law will be applied exactly the same in all parts of the country, whether or not any court has made any decision affecting each part of the country?

Mr. JAVITS. Yes, I say that, and I think this bears on Senator COTTON'S question——

Mr. AIKEN. Yes. I hoped the Senator would say that.

Mr. JAVITS. If we had a record of segregation in the North, the same presumption would apply, and I believe it was so utilized in a case in my own State, the Mount Vernon case.

Mr. BAKER. Mr. President, will the Senator yield for a question on that point?

Mr. JAVITS. I yield.

Mr. BAKER. To make sure I fully understand the Senator's reply to the Senator from Vermont, as it relates to the inquiry of the Senator from New Hampshire, is it not true that under the existing state of affairs, the courts, in effect, have created a presumption in the South of segregation based on a history of previous de jure segregation?

Mr. JAVITS. They have created a presumption which is North and South, wherever there has been, actually, State imposed segregation. I stated a case in my own State where they used the same presumption. The cases have been much more numerous in the South.

Mr. BAKER. And that the amendment by the distinguished Senator from Mississippi says that "you are going to look at the facts here and now as to whether there is segregation now, de jure or de facto, not on the basis of any past precedent forming the basis of the situation"? Now, is that not the effect of the amendment of the Senator from Mississippi?

Mr. JAVITS. That is the effect, and it will therefore change the existing law and practice; that is what I am arguing.

Mr. BAKER. But would it not therefore provide absolute uniformity in the United States under the Stennis amendment, and perpetuate a distinction now existing under the amendment of the Senator from New York?

Mr. JAVITS. No; I cannot agree with that. I think it would change the rule of uniformity. Now that rule is the same in the North as in the South, where you have a pattern of de jure segregation. We ourselves have legislated that in respect to voting rights. We took cognizance of the pattern and practice ourselves.

Mr. STENNIS. Mr. President, will the Senator yield me 5 minutes on my time?

Mr. JAVITS. I am ready to yield the floor.

Mr. STENNIS. I thank the Senator. Mr. President, I yield such time as he may require to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, I think the distinguished Senator from Tennessee has raised the basic objection to the amendment offered by the Senator from New York. On the surface, the amendment seems quite innocent, and it gives the impression that we are really dealing with a situation of treating both the North and the South the same. The Senator candidly says, "If you have de jure segregation in the North, and there may be a few towns that have it," but basically, most of the segregation in the North is not de jure but de facto.

If we eliminate the phrase, "without regard to the origin or cause of such segregation," we go back to the situation that prevailed before this debate and before this amendment was agreed to. Therefore, if a northern community had de facto segregation at the present time, it would not be subject to the guideline. I think the Senator from Tennessee makes that point, and makes it well.

What the Senator from Mississippi is trying to achieve is a disregard of what had taken place in the past. I say de jure is wrong and de facto is wrong, but the courts have only passed on de jure. So far the Supreme Court has never passed on the problem of de facto segregation.

What we are trying to achieve here is to say to HEW, "In the guidelines that you propose in making the determination whether funds will be held back from either the North or the South, you are going to look at the situation as it actually exists; is there discrimination, and is there segregation? If you find that there is a pattern of segregation, you are going to treat the North and the South the same, as of now."

I think this is the weakness in the proposition of the Senator from New York. The Senator has been candid. He has not at all, by a single word, misled the Senate. But I think it is important to understand that basically the amendment of the Senator from New York does weaken and take away from the objective we are seeking to accomplish by the Stennis amendment.

Mr. STENNIS. I thank the Senator very much.

Mr. President, I yield myself 8 minutes.

I appreciate the concern of the Senators and I fully appreciate the very fine presentation here of the Senator from New York. Going back through just a short bit of history, now, with reference to these orders—and this amendment relates to the money—there were certain forms sent out by HEW, years ago, under the Civil Rights Act, that asked the school districts whether they were in compliance with the Civil Rights Act.

All the districts outside the South, or those that had no laws on the subject, had to fill out a special form. But first, as to those outside the South, they certified on a different form that they were in compliance, and those cards were all filed. With the exception of four or five, or maybe eight or 10, all those districts have been receiving the money ever since that time, on this presumption of innocence, and their certification that they were in full compliance. In the same period of time, the forms of the districts in the South were rejected, and they were held not eligible for money, and they were called on to submit a plan of integration. When they submitted the plan, in effect they pled guilty to not being in compliance, and in that way cases were made against them. I do not recall a single district, in all those years, where any money was withheld outside the South, although I understood later there were a few. They operate on this presumption of innocence outside the South, whereas, in effect, we operate under the presumption of guilt.

If this amendment becomes law, it is going to strike out those presumptions, and this matter will have to be applied uniformly. When the words "de facto" and "de jure" were put in yesterday, I supported that, in spite of the strong argument that the words "de facto" had not been defined enough. There certainly is some uncertainty, although I think that, as a practical matter, they have been rather well defined.

There was nothing ingenious about putting the last words in here, but I believe that if we strike them out, they can go right back to the same pattern. HEW does not require anything in their regulations with respect to the districts outside the South that have not had the laws with reference to a dual system. They just go on from year to year, without anything being looked into. I think if we carry out the purpose of my amendment, we ought to keep the words in here and make it clear that, without regard to the origin or cause of such segregation, we want this uniformly applied.

The rules and regulations that apply to this money have not been applied to the school districts outside the South. So if we want uniformity, these rules and regulations must apply uniformly throughout the country, and I hope the Senate does not see fit now to strike out these words. The striking out of them would create doubt or at least would give HEW, I believe, a green light to run on the old schedule, anyway, as to those beyond the South.

I think we ought to be clearcut and convincing in the language we use here and be firm on this policy. Certainly, no one is going to be hurt by it. We should carry out the primary purpose of what the majority of the Senate has already voted for, as I understand it. I think it is far better to leave these words where they are, and it would be a mistake and would leave uncertainty in the mind of HEW and perhaps the courts to strike them out.

There is nothing in here that is an attempt to get something in favor of the South. There is nothing in here that is an attempt to put an undue penalty on anyone else. It is just a matter of trying to get uniformity in all regions.

I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, will the Senator from New York yield me 10 minutes?

Mr. JAVITS. I yield 10 minutes to the Senator from Illinois.

Mr. PERCY. I make the request to question the distinguished Senator from Mississippi and to make a preliminary comment, because the State of Illinois and the city of Chicago have been mentioned so frequently in the debate.

I should like to reiterate the historical background of what has happened in Chicago to provide, as the Senator from Mississippi has so aptly and correctly said, one of the most segregated school conditions that exist in the country. The condition in Chicago arose not because we originally had segregated districts or neighborhoods in Chicago. We did not, 20 years ago you could not walk any place in the city of Chicago without passing within half a mile of a white neighborhood, even in a black community. Today, however, you can walk for 10 miles in a row from north to south, and for 5 miles in a row from east to west, and you cannot pass any white community if you are walking in the right direction. We have some 30 square miles of what we call a black ghetto.

Now, because of living patterns and the neighborhood school principle, we have many segregated schools in Chicago—and elsewhere. The problems arose, we all know, because of lessening economic opportunity in the South, which brought the blacks to the North. They also arose because there was discrimination in the South in educational opportunity and in job opportunity. I think we all know that. There was a feeling on the part of the black that, although there was discrimination in the North on jobs, it might be something less than in the South and that, although there probably was discrimination in housing—and there is still—it would possibly be less than in the South. Thus they came North. One thing they did not find in the North was legal discrimination in educational opportunity of any kind.

I can recall seeing pictures in which bus tickets were offered in the South for travel to the North. The problems, then, that have been brought with low-income people, ill-adapted to life in urban areas of the North, were brought in part by the encouragement of blacks to move North from the South. We all know that.

I would now like to turn to some questions I cannot find answered in the RECORD. In looking at the design and purpose of the Stennis-Ribicoff amendment, I have not discovered the answer to the question, "How will it work?" How will it be enforced? I would very much appreciate either one of the authors of the amendment clarifying for me and for many of my colleagues how it literally would work if enacted.

Mr. STENNIS. I think that is a good question. Let me answer a segment of it first.

I think that if we strike out the language that is proposed to be stricken out, it will eliminate a part of the amendment that will cause a new start to be made. But, by and large, I am told—and I am not accusing anyone in Chicago or anywhere else—that there are a great many districts, even though there has been no State law, in which active discrimination by the board can be proved, and that the facts have been accumulated in many of them, but they have not been tried or they have not been determined by HEW. Perhaps there has not been time. But those conditions do exist. They are still operating in the same way, though, and getting that money every year on the presumption. This would go into the very heart of the matter and require more activity on the part of HEW just as fast as they rapidly could to get into the very merits of this thing and not travel on a presumption of innocence outside the South and a presumption of guilt in the South.

Mr. PERCY. But there is a distinction. I went to the schools of Chicago for many years. No child, black or white, who lives there—in any of my own experiences there through the course of my lifetime—could not go to his neighborhood school; The situation is not the same in the South.

Mr. STENNIS. We are integrated now. The figures that have been given here were the last available figures, but within the last year a great deal has been added to that.

Mr. PERCY. Progress has been made.

Mr. STENNIS. Yes. And the situations vary a great deal.

But my point is that this amendment will require some uniformity in application. If this language is stricken, I believe it will be used as an argument that, after all, the Senate decided that it did not want uniformity in the application of these guidelines.

Well, I do not know all the names they call them but this will require time to go into. They cannot do it all at once. They would pay a district until there was something indicated to the contrary that they were not eligible, but they would have to go into it.

Mr. PERCY. The question specifically to the Senator is, How will the amendment be enforced, how will it work? Specifically will the passage of the Stennis-Ribicoff amendment speed up or slow down integration in the South?

Mr. STENNIS. Well, we are going to have a continuation of integration in the South. There has been a great deal of concern here about its being slowed down in the South by this amendment. I think the major concern is that the Senator is afraid the amendment might hurry up integration beyond the South.

We in the South are suffering terribly. It is jeopardizing our public school system. We are in a critical situation down there. We feel that if this thing is applied—I do not expect any relaxation, particularly in the South now—but if it is applied nationally, there will evolve a genuine national policy based more on something that the Senator will feel and the patterns in his area will feel. It will be based more on reason and commonsense, live and let live, and educational policies will be emphasized more, so that we will all be able to move along together.

I am not trying to defeat any court order or get out of anything.

A remarkable speech was made by Representative EDITH GREEN in the House of Representatives last July, which I placed in the RECORD some time after the first of this year. As everyone knows, she is an ardent integrationist, a so-called civil rights worker, and she said that she has had enough. She has had enough, because she has seen it destroying the schools, which are carrying the whole of the burden of social change.

I think that if the Senator finds that out in his area of the country, he will realize what it means to him and the people of his State, as well as to us. We can all help evolve a sounder policy.

Mr. PERCY. I flatly believe that we must continue to fulfill the spirit and letter of the law in the North and offer integrated school opportunities to all the children. What I am wondering about at this time is, Does the Senator now take the position that there should be no slowdown of integration in the South?

Mr. STENNIS. Those words are too broad in their meaning and extend over a long period of time. I hope that we can get a stronger policy. This thing now is literally destroying the schools, the spirit of the schools, and much of local support for the schools. It is driving the teachers away. I told the Senator the other day that the educators—I am not an authority on this subject—but they come up here to me and some of them ask me, "How long before this will end? How long will this last, this disarray, confusion, and obliteration of our schools?"

We have already lost this school year, as I am sure the Senator will agree. Our educators and teachers want to stay with the profession. That is my point. They come up here to ask me what I can do to help them.

Mr. PERCY. In an atmosphere where law and order are so important, we have a clear-cut law now. We have a clear-cut order under the Supreme Court to integrate now, immediately. I think that many of us are concerned that there will be some way of getting around that law, that the integration process will be slowed down in the North and South, possibly, by the application of this amendment. This brings me to my second question. In fiscal year 1970, provision was made for $5.2 million for civil rights enforcement under the HEW bill. If we are to take that same $5.2 million and spread it over 50 States instead of over the relatively few where there is de jure segregation, would the spreading of the funds lessen the tendency to integrate immediately and how? Would the Senator support an increase in funds for enforcement, if we are to apply uniformly and equally to all States the civil rights enforcement provisions?

Mr. STENNIS. If you gentlemen would stop defending your own segregated conditions and come in here and join us on this amendment, in letter and spirit, rather than trying to protect the status quo and your own immunity, more or less, I do not believe we will have any trouble getting all the money the Senator wants to enforce desegregation in the North and in the South.

I know that I shall be ready to help the Senator get the money. I have not heard from any States asking for more money yet—not yet. I am on the Appropriations Committee, so I should know. Yes, I support the Senator, as I say.

Mr. PERCY. In other words, an increased appropriation would be commensurate——

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

Mr. JAVITS. Mr. President, I yield 3 more minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 additional minutes.

Mr. PERCY. Mr. President, may I ask the Senator from Connecticut, who has also gone all out in this amendment whether he would support additional funds to carry the additional load for civil rights enforcement?

Mr. RIBICOFF. My answer is simple: There is no question that passage of the Stennis proposal will increase the burden upon HEW. It is my feeling, with passage of this amendment, that we might need in the nature of an additional $4 million or more in appropriations to enforce, supervise, and carry out the entire enforcement provisions, or guidelines.

Now the Senator has the word of the Senator from Mississippi (Mr. STENNIS), who is on the Appropriations Committee, that he would approve such an appropriation. I certainly would approve an additional appropriation. If I understood correctly the query of the Senator from Illinois, he was interested in how the Stennis amendment would operate regardless of the amendment offered by the Senator from New York. Is that the Senator's query?

Mr. PERCY. Yes; that is true. Before the distinguished Senator from Mississippi leaves the floor, I should like to say that I am very much interested in receiving an answer to another question because we have talked about segregation in the North. Incidentally, I have always admitted that it exists, and have so stated on this floor. I have never tried in any way to cover it up or hide it. We have it. But that does not excuse it anywhere in the country. I should like to know now what school conditions presently exist in both North and West which the Senator feels are illegal under the law and under what law?

Mr. STENNIS. Well, I start first——

Mr. PERCY. I address that question both to the Senator from Connecticut and the Senator from Mississippi. I would much prefer first to hear from the original author of the amendment and then to get an answer from the Senator from Connecticut.

Mr. STENNIS. I have already said that my information is, in making some records by my staff members, looking into these conditions, and we got the figures that way, finally, that there are many cases where actual discrimination could be proved by the school boards, by gerrymandering, by zoning, for a purpose, to keep them more segregated.

Mr. PERCY. That does not exist in Chicago.

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

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Illinois so that the Senator from Connecticut can answer.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 additional minutes.

Mr. RIBICOFF. May I point out that these are figures I have, which I am sure the Senator from Illinois has, too. In Chicago, 85.4 percent of black students attend schools which are 95 to 100 percent black.

Mr. PERCY. My question is, do they attend segregated schools because of the existence of a law, or the lack of a law, and what law if any is being broken by that pattern of attendance?

Mr. RIBICOFF. I think this is what we are trying to write into the Stennis amendment. At the present time, the Supreme Court has not held there is an actual breach of the Constitution. But a de facto situation exists. The point that the Senator made, to which I address myself, is that it is basically wrong, in every instance. The Senator pointed to probably—I think the figures he used were 10 square miles, or 5 square miles, where the population was completely black?

Mr. PERCY. I think it was roughly 30 square miles.

Mr. RIBICOFF. Thirty square miles. As a practical proposition, if we have 30 square miles of all black people, for the life of me I do not see how we will ever desegregate education in that area of Chicago.

Under those circumstances we will have to be very, very realistic and say to ourselves that we are going to do away with all the myths and all the cliches and recognize that for all practical purposes in this area of Chicago we have an overwhelmingly black community and that what we are going to do is make education as good and as relevant and as meaningful as possible.

We will find the same thing taking place in the South. We will find areas in the South where there might be 30 square miles in which all students are black.

Mr. PERCY. Absolutely.

Mr. RIBICOFF. And we will have to say the same thing in Mississippi as in the 30 square miles of Chicago, that in this area of Mississippi the population is such that we have a segregated society. And if we have a segregated society, we will have either black or white. That is where the difference comes in.

It may not be appropriate, but let me take a street that I am familiar with. Let me say that we have Hyde Park or Woodlawn Avenue.

On one side of the street it is all black and on the other side of the street it is all white. And on one side of Woodlawn Avenue the students go to a white school and on the other side of Woodlawn Avenue the students go to a black school. Here, there is absolutely no reason why the school authorities in Chicago cannot rearrange the school attendance pattern so that the children, black and white, can be mixed up in school.

What has been happening in the South is exactly the same. If, in the southern community, they are drawing lines in a serpentine fashion so that the black children on one side of the road would attend one school, and the white children on the other side of the road would attend another school, I think that is wrong. In both circumstances, whether we have a situation involving either side of a road in Mississippi or either side of a road in Chicago, it is wrong.

HEW, under their guidelines, could deny Federal funds to Mississippi schools and to schools in that area of Chicago. However, they would not be denied to an area consisting of 30 square miles of black children. If we have 30 square miles of black students, they would not be deprived of school funds under the guidelines, even though they do not have a pattern of de jure, but a pattern of de facto segregation in Chicago.

Mr. PERCY. Mr. President, I concur with the distinguished Senator. He, perhaps unwittingly, picked Woodlawn Avenue. There is not any dividing line there. It is one of the most integrated neighborhoods in the city of Chicago. I have been intimately acquainted with it for years.

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

Mr. PERCY. Mr. President, will the Senator yield me another 3 minutes?

Mr. JAVITS. Mr. President, I take the liberty of yielding 3 minutes on the bill.

The PRESIDING OFFICER. The Senator from Illinois is recognized for an additional 3 minutes.

Mr. PERCY. Mr. President, we are not in any way attempting to say that there are not patterns of living which people would want maintained. I spent last weekend in a Lithuanian neighborhood in Illinois. We have Chinese neighborhoods and Italian neighborhoods. There is no possibility that we will pass a law to force people to be bused into those communities.

Most of the people who come to Chicago want to live there.

What is wrong in Chicago and Illinois is that we do not have a freedom of residence law. We do not have a law that opens up the communities to everyone who wants to live in them. But we now have a Federal law. We are making considerable movement in that direction.

That has been wrong for years.

I am trying to discover whether we could not in this debate find a clear difference between de jure and de facto segregation. If we can, what are the causes of each type of segregation? This is my final question.

I would appreciate the Senator's comment on this question because of his distinguished background and his attempt to be absolutely fair in this debate. Where can we say there is a distinction that does exist between de jure and de facto and that they have to be dealt with separately and in different ways rather than by taking both of them and saying that they are segregation and, therefore, there is no difference. I think there is a difference. And I would appreciate it if the distinguished Senator from Connecticut and the distinguished Senator from Mississippi would comment on what differences they see in these two situations.

Mr. RIBICOFF. Mr. President, may I say to the distinguished Senator that a child in the third grade who goes to an all-black or all-white school, whether in Mississippi or Chicago, has not the slightest idea there is a difference between de jure and de facto.

If there is a scar on that child's mind or heart or body, it is because of segregation and the patterns that exist, wherever they exist or whatever causes them.

What I think we are trying to evolve in this debate is—and I am not interested at all in the motives of the Senator from Mississippi—that we should be concerned more with our motives than with his motives.

What we are trying to show is that we have in America a very tough problem that is not going to yield to the liberal dialog and the ideas and the thesis advanced in 1954.

What we have to face up to is that in many areas in this country our school population and our schools are much worse today than they were 10 years or 20 years ago.

We are saying that the problem is so complex and so difficult to solve that we are not going to be able to do it by a blanket set of rules and regulations. If we do, we will be hurting the country and the schoolchildren.

We have to go into State after State and into city after city and try to work this out with the assistance of the best brains we can develop in this country. And so far we have not done it.

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

Mr. PERCY. Mr. President, will the Senator yield me an additional 3 minutes?

Mr. JAVITS. Mr. President, I yield an additional 3 minutes on the bill.

Mr. GURNEY. Mr. President, how much time remains on the amendment?

Mr. JAVITS. The Senator from Michigan (Mr. GRIFFIN) has allowed me to use 10 minutes on the bill. So I am using it. I yield 3 additional minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for an additional 3 minutes.

Mr. RIBICOFF. Mr. President, the Senator from New York and the Senator from Minnesota have submitted an amendment in which they seek to set up a select committee of the Senate to study the entire problem of our school systems and the entire problem of segregation. I think it is long overdue. A searching review of the whole problem has never been made.

Frankly, I would not stand on this floor and tell the Senator from Illinois that I, or anyone else, has all the answers to this problem. I think that basically what we are addressing ourselves to in the Stennis amendment is that if we are ever going to make any progress in solving the problem, we are going to have to start out in this country with a feeling that everybody is being treated the same, whether in the North or the South.

Once we eliminate from a large part of the population the feeling that they are being treated unfairly, I think we can address ourselves to the question of how to eliminate segregation in our school system.

Mr. PERCY. Mr. President, I thank the Senator from Connecticut and the Senator from Mississippi. This colloquy, has been very helpful. But I am still not clear on the first point I raised about how the amendment will work and how it will be enforced. I am also concerned that the enactment of it as it now stands will slow down enforcement, although I am very much encouraged by the fact that enforcement of it will be handled by HEW.

I believe that would be essential and necessary. I think the Senator from Mississippi is gracious in anticipating that such enforcement would require more money and in indicating he would support allocation of more money.

I am still not clear what school conditions exist in the North and West today which, in the judgment of the authors of this amendment, they deem to be illegal. We recognize we have segregated schools but are they segregated schools because we are breaking laws? Should not we, in a society with emphasis on law and order, put our emphasis into areas where laws are being broken or not enforced before we solve the much more difficult problems which many of us fail to fully understand?

I have been encouraged by some aspects of the colloquy. I intend to fully support the modification of the Senator from New York.

Mr. STENNIS. Mr. President, will the Senator yield to me for one-half minute?

Mr. PERCY. I do not believe I have a half-minute left. If I do, I yield to the Senator.

Mr. STENNIS. I yield 1 minute to the Senator. I wish to make this observation.

The method of carrying out these matters and finding these spots would be up to HEW. They are awfully good at

it in our area of the country. I would encourage them but I do not want to abuse the Senator's section of the country.

Mr. JAVITS. Mr. President, I wish to yield to the Senator from Iowa. Before I do I wish to ask that the last 3 minutes of time be charged to the proponents of the amendment. I did not realize that the Senator from Florida (Mr. GURNEY) was representing the leadership on the floor. I should not have done that.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. JAVITS. Mr. President, I yield myself 4 minutes. I yield to the Senator from Iowa.

Mr. MILLER. Mr. President, I appreciate the Senator from New York yielding to me.

First, I wish to ask the Senator from New York this question. I heard the Senator from Mississippi indicate that the Javits amendment would have something to do about a presumption which the Department of Health, Education, and Welfare would follow in dealing with conditions of segregation. Do I understand there is no intention in the Javits amendment to establish a presumption?

Mr. JAVITS. There is no intention to change the existing situation. That is my stated purpose. The only presumption to which I referred was the very presumption which is now quite common in the courts and which is contained in the Green case. I mention that case because it happens to be a case decided on May 27, 1968. I would like to read two sentences from that decision:

> In the context of the state-imposed segregation pattern of long standing, the fact that in 1965 the Board opened the doors of the former "white" school to Negro children and of the "Negro" school to white children merely begins, not ends, our inquiry whether the Board has taken steps adequate to abolish its dual, segregated system.

All I say is that is what is being done in the courts now. I do not want to change that.

Mr. MILLER. I appreciate that response. The point I would make is that the Stennis amendment, without the Javits amendment, provides that guidelines and criteria shall be applied uniformly in dealing with conditions of segregation without regard to the origin or cause of such segregation. When you talk about that you are including conditions. To me, without taking into account conditions of segregation you cannot deal with them; and the Senator already stated it is a terribly complex problem and that there is no blanket solution.

Some conditions of segregation which, it seems to me would indicate different criteria, guidelines, and solutions, would be ethnic preferences, economic factors, religious factors, zoning, actual population. It seems to me that what the Senator from New York is trying to do is to make meaningful the dealing with conditions of segregation, leaving these factors available for the Department to take into account in dealing with the problems and providing solutions. Is that correct?

Mr. JAVITS. My answer is unqualifiedly "Yes."

Mr. MILLER. I thank the Senator. I intend to support his amendment.

Mr. JAVITS. I thank the Senator very much.

Mr. President, I yield myself 2 minutes.

Mr. President, there are very few Members in the Chamber at this time. The Senator from Rhode Island (Mr. PASTORE) is presiding over a meeting at this time and he wishes to speak on this matter. I suggest to the Senator from Mississippi, with the consent of the leadership on both sides, that we have a quorum call and then have a very limited debate thereafter.

We have the time. This is a gentleman's agreement that we use not more than 15 minutes each so the Senate can vote. I suggest the absence of a quorum so that we can have more Senators here to listen to the debate.

Mr. STENNIS. Mr. President, I am glad to cooperate in that request, the time not to be charged to either side because we have used quite a bit of time on the bill.

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

The PRESIDING OFFICER. Is the time thereafter to be limited to 15 minutes?

Mr. JAVITS. It is not necessary. That is about all we have. This is a gentlemen's agreement.

Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time consumed not be charged to either side.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. JAVITS. Mr. President, may I ask Senators who are present in the Chamber to remain a moment, so that I may ask for the yeas and nays, if we can get enough Senators out of the cloakroom?

I ask for the yeas and nays on my amendment.

The yeas and nays were not ordered.

Mr. JAVITS. Mr. President, I yield myself 3 minutes.

I think that we have explored this matter quite sufficiently, except that I would just like to add, before we actually get to a vote, one or two points on this situation.

If we permit the Stennis amendment to stand as it is, then it seems to me that we are taking a step backward, and are not meeting even Senator STENNIS' own test. I made a note of what he said awhile ago. He said:

> I do not expect any relaxation in the South now. I am not trying to defeat any court order, or to get out of anything.

Those were his exact words.

Mr. President, precisely because this is a statement of policy, and precisely because it applies, in the first instance, to the Department of Health, Education, and Welfare, we had better be very careful about what we say.

The fact is that you have had a situation which brought on the decision in Brown against the Board of Education, in which you had State laws, State imposed segregation. Mr. President, it seems to me that in this respect, the courts have a right to say, "Where you have had State imposed segregation in a given area, if you want to contend that whatever segregation now results is the result of residential patterns, at least demonstrate it, as distinguished from an area where you had no State imposed segregation."

The only way in which you could legitimately ask to be relieved of that responsibility is if you could point out that all the end results of State imposed segregation had ended. This brings me, Mr. President, to a very serious deficiency in the nature of the arguments here, and the nature of the proof. The fact is that by States—and the table of the Department of Health, Education, and Welfare was inserted in the RECORD on February 9, at page 2920 of the RECORD, and certainly has not been contested—the disparity between the States in which there was State imposed segregation and the States in which there was not State imposed segregation, in terms of attendance at what, in effect, were segregated schools, was very marked—2, 3, or 4 to 1 in many cases.

Mr. PELL. Mr. President, will the Senator yield on that point?

Mr. JAVITS. I yield.

Mr. PELL. I was very much struck by the table which the Senator previously inserted in the RECORD. I recall it vividly, for I was studying it the other day, though I do not have it before me now.

Is it not a fact that those States which have a majority of Negro students in 99 to 100 percent segregated schools are all States in the area where the laws provided a dual system of education?

Mr. JAVITS. That is just my argument.

Mr. PELL. It is a difference in degree; and if we can get that problem solved, we can go into the de facto situation?

Mr. JAVITS. That is correct. It has been argued here that the 10 biggest cities are interested in this situation, and no one else. Why is that argued? It is argued because residential patterns in those cities, which have had very materially increased black populations, have shown a very much more severe impact of de facto segregation on racial imbalance in late years, as contrasted with 1954. But that is a special order of proof, which has a very different reason, and does not bear upon the fact that we still have, taking them by States, the main burden of segregated school patterns in the States which had State-imposed segregation.

In short, it is too soon. That is really the whole point. It is too soon, and it defies the very test Senator STENNIS himself used to take off that situation the presumption which the courts have made and which I read from the Green case, that where you have had State imposed segregation by law, the pre-

sumption is that that pattern continues unless some other proof is shown.

Now, what I believe the Stennis amendment will do, even if shorn of the words I seek to strike, is that it will cause the de facto situation in the South to be treated exactly like the de facto situation in the North.

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

Mr. JAVITS. I yield myself 1 additional minute, and I may ask the Senator from Florida (Mr. GURNEY) to give me a little time on the bill.

Mr. President, it goes directly to the point which the Senator from Kentucky (Mr. COOPER) made. I was much impressed with that point. I do not want the South to be left out of a situation in which the courts say, "We will not declare illegal de facto segregation." That the Stennis amendment will accomplish. In other words, it will accomplish that even if we strike these words out. If we leave the words in, it goes very much farther, and in my judgment, prejudices and weighs the balances against the Stennis amendment.

In my judgment, therefore, this is a fair resolution of the question before us. It is not yet time.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. JAVITS. I ask for 3 minutes on the bill.

Mr. GURNEY. Mr. President, I yield the Senator from New York 3 additional minutes on the bill.

Mr. JAVITS. It is not yet time, Mr. President, as will be shown by the facts and the figures—they are in the RECORD—when we stop distorting them by the city figures which are attributable to urban concentration, which has come for demographic reasons and have nothing to do with school segregation by State imposition of law after 1954. But it is much too early to eliminate the fact that there was State-imposed segregation; and, as Senator PELL so properly pointed out, the figures show this impact, as one reads this table, and we have referred to it many times.

I hope the Senate will not be diverted by the argument about the city figures, because they are not relevant to the point. What is relevant to the point is how much progress has been made in the States which impose segregation by law.

Mr. President, before our hearts bleed with respect to any child—and I think that is proper—who may be bused a considerable distance, let us remember the evil which we tried to correct in the Civil Rights Act of 1964. That was the evil of a Negro child who lived right across the street from a white school but had to walk or ride—and if he was lucky enough to be bused, be bused—whatever distance it was to get to a Negro school. That was a pretty iniquitous situation we were facing under those circumstances, and we were trying to correct it because we thought it was basically unjust in our country.

So that we have to understand that in holding the balance, it is not yet time to completely throw overboard the reasons and rationale and procedures which caused us to pass the Civil Rights Act of 1964 and caused the Supreme Court to make its decision.

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

Mr. GURNEY. I yield 2 minutes to the Senator from Kentucky.

Mr. COOPER. The Senator referred to a statement I made, and I will respond.

I must say, frankly, after studying the amendment of the Senator from New York and the remaining language of the Stennis amendment if the Senator from New York's amendment should be adopted, and considering the language "de jure and de facto," I do not think there is a great deal of difference between the two.

I do not think it would have the slightest effect upon the continued application of the court rulings—and therefore HEW—in those cases in the South found to be de jure cases. They have been called de jure because they held that school districts have a duty to disestablish segregation in former dual system districts. I do not think it will be changed at all.

So I am afraid that the Stennis amendment would in any way change the rule of law in de jure cases on those districts.

What I do think would occur if the language of the Senator from New York should be adopted is that—in the event HEW or the courts decided to intervene in a true de facto situation, in the South then they should be under the duty to issue the same guidelines to de facto situations in the North.

Mr. JAVITS. I think that is quite in accord with what I understand. I am accepting the view of the Senate which it seems to me was manifested when it turned down the Scott substitute, and I am assuming that that is the way the Senate wants to go. All that I do not want to do is to reverse the situation which has obtained up to now in respect to de jure segregation situations.

Mr. COOPER. I do not believe it would, as to de jure cases.

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

Mr. JAVITS. I yield.

Mr. PELL. Since our exchange a moment ago, I have had an opportunity to refresh my memory and to look at the table. I find that not only was I correct in my statement, but also, the disparity was even more than I had indicated.

Is it not correct that every State that has more than 55 percent—not 50, but 55 percent—of its Negro children attending 100 percent minority schools is in those areas where the laws originally provided that should attend a dual system?

Mr. JAVITS. That is correct.

Mr. PELL. And is it not also correct that every other State is under 45 percent?

Mr. JAVITS. That is correct.

Mr. President, I think enough Senators are present in the Chamber now, and I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The time has expired.

Mr. JAVITS. May I suggest to Senator PELL that he yield a little time on the bill to Senator PASTORE.

Mr. PASTORE. I am not asking that anybody yield to me. I have said as clearly and as simply as I can how I feel about this amendment. I could only emphasize my position.

Mr. PELL. I yield 1 minute to the Senator from Rhode Island.

Mr. PASTORE. One minute will not do me any good.

Mr. PELL. With great delight, I yield 5 minutes to the Senator.

Mr. PASTORE. A Senator cannot even say "Good morning" or "Good night" in a minute. [Laughter.]

The point I want to make—and I will reemphasize it, because I have said it repeatedly—is that this matter has come before our appropriation committee not once but several times. Therefore as far as I am concerned, to put it succinctly, it is an old chestnut. The Whitten amendment came before the Appropriations Committee on the education bill time and time again. Of course, I have been opposed to the Whitten amendment. But before the committee I have always taken the position that insofar as enforcement of the law is concerned, whether it is de jure or de facto, I do not care. There may be justifications in one respect that cannot be justified in another.

I can cite the example I know best. I was born and raised in a community where practically everyone was of Italian background. We went to school in the neighborhood, and practically everyone in my classroom was of Italian background. It was because we were concentrated in one small area. Today you might call it a ghetto. In our day you did not call it that, but it had some of the characteristics of a ghetto. That is where you were born; that is where you played; and that is where you stayed—until one day things began to get a little better, the sun began to brighten a little, and you moved out to suburbia. As you moved out to suburbia and you mingled with other people, naturally, even a complection of the classroom began to change. You began to sit next to an Irish boy and to a Greek boy and to a German boy, and you achieved that alchemy that was America in its finest form.

It is true that in certain parts of the country there is a heavy concentration of Negroes, or a heavy concentration of Chinese, or a heavy concentration of Japanese. Over the years, we have not done a great deal about giving these people a chance to move out and breathe a little of the fresh air—a chance that belongs to every American. So they are all cramped into these communities. Thus we have a situation today in Harlem in which the neighborhood school is practically in the middle of Harlem and, naturally, everybody who lives in that neighborhood is black and the classrooms are practically all black. There is one way to correct it, but the one way is not by busing. The way to correct that situation is to give these people a chance for equal opportunity in fair housing. We have been struggling for that ideal for years and years. We have lived up against the proposition in this country that no matter how affluent you were—

how educated you were—you could even be a Ralph Bunche—if you were black, you could not even get into a restaurant in some places. To my mind, that was a disgraceful situation, a scandalous condition, but it persisted in this country.

This de facto segregation in the North should be broken up. Of course, we tried to do it by busing, and then we passed a law saying that you cannot bus in order to remove this racial imbalance.

Now we are faced with a proposal that would deny any move against dual schools in the South because de facto segregation exists in the North. I say that both conditions are deplorable. I feel the difference between some sections of the South and some sections of the North lies in the fact that the South could have done a lot more than it has done since 1954. The South should not have so long tolerated the situation, where in the same neighborhood—this is the point I wish to emphasize—a white school and a black school operated back to back. In other words, the white children on the same street do not go to the black school, and the black children on the same street do not go to the white school. That is one of the situations we have been trying to change. That is what the Supreme Court has been trying to break down.

I realize that no matter what we do here today, we will not establish integration. We cannot create integration through the bill. I do not think it will do a great deal about desegregation, either.

We must realize what the bill does. What it does is to modify title VI of the Civil Rights Act. All that title VI is concerned with—and I am the one who managed that on the floor at the time it was passed—is with the distribution of Federal funds.

HEW has taken the position that because some communities in the South have been tardy in obeying the mandate of the Supreme Court, for that reason funds should be withheld.

That has caused consternation in the South and, in many instances, understandable consternation. The Senator said that what we are doing is to punish the children. That is the last thing anyone wants to do, but we have learned a long time ago that unless, on occasion, we hold back funds, we do not get the impetus, the inspiration, the drive to achieve what the law requires to be done.

Nothing will happen this afternoon that will change the matter of integration or desegregation. All we are arguing today is, what shall be the guideline for the distribution of the funds? Will the HEW, tomorrow, if this amendment passes, be allowed to withhold funds in the South, as they have in the past, unless we do something about the de facto segregation we have in the North? That is all that is involved. As far as I am concerned, all I am saying here today is that insofar as the distribution of money is concerned, we should not punish the children anywhere but we should do what we can to bring about de facto desegregation in the North. We should enforce the law equally in the North, South, East, and West. This law must apply to everyone in every community. In the meantime, we would hope that the communities in the South would not constantly be fighting the edicts of their own judges. In many instances, they are resisting the findings of their own judges in their own communities. The judges that have been ordering this in the South are southern judges. They realize that they have to live up to the law, and that is the law of Brown versus Board of Education, Topeka, Kans., of 1954. That is all that is involved. All I am saying here this afternoon is that if we delete these words, which have a dubious connotation insofar as this Senator is concerned, I still think that the Senator from Mississippi will accomplish his objective. We still will set up guidelines that the law is equal for everyone all over the country and I do not think any harm will be done.

Mr. President, I tell you frankly, he will get a lot of support even from some of us who have had our doubts about it. I will be the first one, if that language is removed, to vote for the amendment.

Mr. JAVITS. I, too, would join the distinguished Senator from Mississippi, because I told that to the Senator privately.

Mr. STENNIS. Mr. President, I yield myself 10 minutes on the amendment.

The PRESIDING OFFICER. (Mr. SCHWEIKER in the chair). The Senator from Mississippi is recognized for 10 minutes.

Mr. STENNIS. Mr. President, I have the highest respect for the Senator from Rhode Island, as a man, as a Senator, and as a man of great ability, with particular effectiveness on committees. I want to ask him about the southern judges he just referred to, and say, briefly, in this way, that, Senator, I have been in the law a long time, and with all deference to the courts, the hasty action of the Supreme Court in the 33 cases in Mississippi has virtually destroyed this school year. No one can measure the consequences.

As to the southern judges having a different judgment on those cases, they had been heard by southern judges and they had been given until next September to make such alterations and changes. Mr. Finch testified they needed that time and the Attorney General filed a brief to that effect.

With all deference to the Supreme Court, one member invited an appeal and in a cursory hearing they just said, "No. Total integration now." They sent it back to the Circuit Court of Appeals in New Orleans.

Mr. PASTORE. Mr. President, if the Senator will yield at that point, I should like to answer that question. The point I want to make is that the Senator's amendment does not touch that at all. Those judges will still insist on the South doing what they say, right, wrong, or indifferent.

Mr. STENNIS. I will not let go unchallenged the statement here, all these things we are complaining about as being something imposed upon us by southern judges. That argument is out of date. I think, with all due deference to the court, they took away all discretion from the Circuit Court of Appeals. The court rapidly heard the 33 cases down there in less than 2 days and told them that, well, regardless of the facts, they have got to be carried out. The other cases that came up here of a like nature from all over the South have received the same treatment from the Supreme Court.

Again, I speak with deference to the court, but this southern judges argument, that judgment was to the contrary, and they so stated. Mr. Finch's judgment was also to the contrary in some of those cases. So was the judgment of the Attorney General.

Now, Mr. President, the Senator from Rhode Island is correct that this amendment goes to the amount of the administration of funds. The Senator referred to the fact that he handled title VI of the Civil Rights Act on the floor.

I refer now to the CONGRESSIONAL RECORD, volume 110, part 6, page 7059, to show the fine argument the Senator from Rhode Island made for this title and the guidelines. He was very effective. I remember hearing his arguments. I was impressed with what he said.

I read now from that page, the middle column, where he said:

> Frankly, I do not see how we could have gone any further, to be fair. Without title IV—accepting the fact that the President himself, under Presidential powers, has the right to issue directives, which he already has—such directives are much more stringent than the proposed title VI. Section 602 of title VI not only requires the agency to promulgate rules and regulations but all procedure must be in accord with these rules and regulations. They must have broad scope. They must be national. They must apply to all 50 States. We could not draw one rule to apply to the State of Mississippi, another rule to apply to the State of Alabama, and another rule to apply to the State of Rhode Island. There must be only one rule, to apply to every State.

Mr. President, that is the very thing we have tried to do, but that has not been done, Senator. Your admonition here for them, and your directions and instructions as Senator in charge of that title on the floor of the Senate, have not been carried out.

This is an attempt here to get this thing back in line and carry out more nearly what the Senator from Rhode Island advocated very sincerely on the floor of this Chamber.

Mr. PASTORE. That is still my position. That is the reason why I will vote for the Senator's amendment, if he takes out those words. If he takes out those words, I shall vote for it.

Mr. STENNIS. I thank the Senator very much.

Mr. President, here are the reasons why I am insisting on the words. The Senator mentioned that they had a dubious connotation for him. I do not know exactly what he means by that, but I tell him what they are intended to mean. It is to cover this very distinction that we are told, over and over and over again, when we withhold the money from our school districts and then withhold it elsewhere, they say, "Well, you have a different kind of segregation. You have a law that once required these things. The question of guilt is on you, whereas in other areas and States that did not have this law, that gives them a presumption of innocence, and go on and pay the money with very slight exception." I

think that will go on and on indefinitely unless something is done about it.

So, in a spirit of fairness and in a spirit of equality, we are asking for this amendment as a statement of policy that shall be applied uniformly throughout all regions of the United States.

Yesterday, an overwhelming majority of the Senate voted to write in the words de facto and de jure. At the same time, we have before us these words to which objection is now made. The majority of the Senate amended the amendment on yesterday by voting in these words. It became a part of the amendment.

They now want to turn it around and strike out the last line and a half—"without regard to the origin or cause of such segregation."

It was said here yesterday that no one knows what de facto means. It has no judicial meaning. It is a good word in the marketplace or in discussing schools. However, I do not think it has a judicial meaning. And in this context, de jure has only a slight judicial meaning.

So if we cut out these words by the amendment of the Senator from New York, we leave the matter of uniformity hanging on a slender thread of two words that are not exactly known in meaning. They could be interpreted by HEW or anyone else interested almost as they please.

We do not know how the Court is going to interpret them. So, this language that we would now strike out is the cutting edge of the amendment. It says that this uniformity must apply in all regions without regard to the origin or cause of such segregation—in other words, without reference to whether it is de jure or de facto or any other consideration that HEW or any court might consider.

I think those words represent a great deal of the effective part of the amendment. To take them out might leave it lifeless. I do not think it should be lifeless. If we take these words out, I do not think that should be the interpretation, but it will certainly give a ground for having an almost meaningless interpretation.

I submit that if we mean what we say now, let us stick to those words that do have a meaning. I cannot see any possibility of any abuse of these words, that I respectfully insist, by HEW, and the Court can interpret them judicially as is their duty.

If we take them out, I believe we will leave uncertainty there and we will leave the words without an exact meaning, without a well-known meaning.

My plea is that these last words, "without regard to the cause or origin of such segregation" are a necessary part of the firm purpose of the Senate to bring about uniformity in the application of these rules and regulations.

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

Mr. STENNIS. Mr. President, I yield myself an additional 2 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for an additional 2 minutes.

Mr. STENNIS. Mr. President, I am not expecting anything great or immediate to happen through this amendment. But it will make an appropriate change. And we are going to have integration in the South. It will not affect the Court as to any decision already made or to be made with reference to any school district that might be found wanting.

This is a guideline in which we want to write what we think about it, rather than to leave all the guideline writing to HEW.

I respectfully submit that to make this meaning clear and definite and certain, we ought to keep these words.

Mr. JAVITS. Mr. President, will the Senator yield me 2 minutes on the bill?

Mr. GURNEY. Mr. President, I yield 2 minutes on the bill to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, I think the issue is now very clear. I am so grateful that the Senator from Rhode Island (Mr. PASTORE) has joined with me. Equality means that we have de jure segregation, wherever we have it, in view of the fact that we have not overcome it. It is very clear from the figures that we have a right to look at the fact that we had it. And now we want to be sure that we do not have it any more and that where we have de facto segregation, which the Senator from Mississippi and the Senator from Connecticut have now written in the bill, if the law will reach it, it will reach it everywhere.

With the presence of these words, we now have a new standard—de facto segregation for the North. But we are removing a standard for the South which had de jure segregation up to 1954. And the figures show that desegregation has been stubbornly resisted. The Governors in general are trying to get rid of it.

If we eliminate any criteria concerning the past, we are fooling ourselves and no one else.

I cannot see that we have a right to do this. I am all for uniformity. So, let us have uniformity according to law. That is all I plead for in the amendment.

Mr. STENNIS. Mr. President, how much time remains?

The PRESIDING OFFICER. Thirty-six minutes remain to the Senator from Mississippi.

Mr. STENNIS. Mr. President, if I may just state the issue here, this relates to the amendment we have under debate, No. 463. It is proposed to strike out the words in the last line and a half of the amendment.

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

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from New York to the amendment of the Senator from Mississippi. On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Montana (Mr. METCALF), and the Senator from Maryland (Mr. TYDINGS), are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD) and the Senator from Illinois (Mr. SMITH) 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), the Senator from Oregon (Mr. HATFIELD), and the Senator from Illinois (Mr. SMITH) would each vote "yea."

The result was announced—yeas 41, nays 50, as follows:

[No. 44 Leg.]

YEAS—41

Anderson	Hughes	Muskie
Boggs	Inouye	Nelson
Brooke	Jackson	Packwood
Burdick	Javits	Pastore
Case	Magnuson	Pell
Church	Mansfield	Percy
Cranston	Mathias	Proxmire
Dodd	McCarthy	Saxbe
Eagleton	McGee	Schweiker
Goodell	McGovern	Scott
Gravel	Miller	Symington
Griffin	Mondale	Williams, N.J.
Harris	Montoya	Young, Ohio
Hart	Moss	

NAYS—50

Aiken	Ervin	Pearson
Allen	Fannin	Prouty
Allott	Fong	Randolph
Baker	Fulbright	Ribicoff
Bellmon	Goldwater	Russell
Bennett	Gore	Smith, Maine
Bible	Gurney	Sparkman
Byrd, Va.	Hansen	Spong
Byrd, W. Va.	Holland	Stennis
Cannon	Hollings	Stevens
Cook	Hruska	Talmadge
Cooper	Jordan, N.C.	Thurmond
Cotton	Jordan, Idaho	Tower
Curtis	Long	Williams, Del.
Dole	McClellan	Yarborough
Eastland	McIntyre	Young, N. Dak.
Ellender	Murphy	

NOT VOTING—9

Bayh	Hatfield	Mundt
Dominick	Kennedy	Smith, Ill.
Hartke	Metcalf	Tydings

So Mr. JAVITS' amendment to Mr. STENNIS' amendment (No. 463) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now reverts to the main Stennis amendment, amendment No. 463, as amended by the Senator from Connecticut.

Mr. PELL. Mr. President, I yield 3 minutes to the distinguished junior Senator from California (Mr. CRANSTON).

Mr. CRANSTON. Mr. President, having followed the debate on the Stennis amendment closely, I want to say that I have found much merit in what the Senator from Mississippi, the Senator from Connecticut, the Senator from Minnesota, the Senator from Pennsylvania, and other Senators have said on the issue before this body. I join these Senators in condemning segregation wherever it is found.

Last month, Senator STENNIS, of Mis-

sissippi, introduced an amendment which provides for the uniform application of HEW desegregation guidelines in all sections of the country, regardless of the origin or source of school segregation. An ostensible purpose of this amendment is to eliminate the present situation whereby southern school districts with segregated facilities can be subjected to HEW desegregation guidelines while northern and western school districts with similar facilities can generally escape the application of the guidelines.

The reason why the guidelines are applied more frequently to southern school districts lies in the 14th amendment desegregation approach of the Federal statutes on which the guidelines are based.

As presently understood, to invoke the 14th amendment it is necessary to show that racial imbalance in schools is due to a deliberate State or local school board policy.

That is easier to establish in the South because for almost 100 years segregation of the schools by races was an established and legally sanctioned policy there.

Although officially sanctioned school segregation has been unconstitutional since the 1954 Brown case, in the South it is not difficult to show the continued existence of such policies because present-day segregated facilities can usually be traced to the patterns which existed prior to the Brown decision. This concept of deliberate segregation resulting from discriminatory policies is embodied in the Federal statutes on which the guidelines are based.

In many instances outside the South, segregated school facilities cannot be traced to State or local school board discriminatory policies. Unlike the Southern States, only some of the Northern and Western States had State school segregation laws, and most of these laws were repealed prior to the Brown decision.

It is the absence in these States of a history of officially sanctioned school segregation which makes it difficult today to trace segregated facilities to official discriminatory policies.

School segregation outside the South is often the result of discriminatory residential patterns rather than of discriminatory educational policies, and this in turn makes it very difficult—if not impossible—for HEW to apply the desegregation guidelines to de facto segregation, as northern and western school segregation has come to be termed.

Despite the legal and historic differences between school segregation in the South and in the North, East, and West, it is essential that we realize that segregation wherever it is found is hurting innocent little children, and hurting our not-so-innocent, vast society.

And despite the legal and historic differences that stem from the past, I do agree with the Senator from Mississippi and other supporters of his amendment that it is our responsibility to come to grips with present facts and to search for solutions to present problems, and, in fairness and equity—in the justice the Senator from Mississippi cries out for—we should seek out and apply nationwide solutions to what today is not a southern problem, nor a northern, eastern or western problem, but an American problem.

I pledge that I will work with all Senators, from all States, to this end.

I oppose the Stennis amendment because of the controversy over whether it empowers HEW to reach de facto segregation, as well as officially sanctioned segregation. Although it purports to require the uniform application of the guidelines to both types of segregation, it does not call for a change in the guidelines or in the laws on which the guidelines are based. Since these laws restrict the applicability of the guidelines to school districts which are segregated as a result of discriminatory policies, and since these guidelines cannot be applied to a truly de facto situation, requiring the uniform application of the guidelines can only mean that the guidelines cannot be applied anywhere since they cannot be applied to most types of northern and western school segregation.

The Stennis amendment does, however, point out the need to examine the laws which restrict the application of the guidelines to officially sanctioned segregation.

If school segregation is wrong in the South, it must also be wrong in the North and West, regardless of the source of segregation.

It is for this reason that I supported the Scott amendment. It is for this reason, too, that I have cosponsored the amendment offered by Senator MONDALE, of Minnesota.

This amendment calls for the creation of a select committee to study the entire school segregation question, not for the purpose of delaying the day when all children will benefit from an integrated education, but with the view of achieving that aim with the minimum disruption of our system of public education.

In this study there should be one overriding concern: the fulfillment of each child's constitutional right to equal education—which means, among other things, desegregated education—and it is in this context that busing must be viewed.

Desegregated schools do not necessarily mean more busing in all communities. Senator CASE has revealed that a study of desegregation in 300 school districts reveals that in 292 of these districts, there was no increase in busing.

I must differ with the contention of Senator STENNIS and other advocates of his amendment that it is only in the South that desegregation is pushed.

In my own State, school boards and community leaders in Berkeley, San Francisco, and Sacramento—the State capital—are making every effort to desegregate their schools without being under the compulsion of court orders, and they are sincerely trying to do it with a minimum disruption of the educational process.

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

Mr. CRANSTON. May I have 2 minutes?

Mr. PELL. I yield 2 minutes to the Senator from California.

Mr. CRANSTON. Los Angeles, the largest city in the State, and nearby Pasadena are now under court orders to desegregate their schools. The latest instance of court action requiring desegregation of schools occurred only yesterday in Pontiac, Mich.

So nonsoutherners are not just pointing to the South. They are not simply engaging in hypocrisy. They are acting in their own communities, and the courts are acting outside the South.

There is grave concern among people in all communities in California over the possibility that school desegregation orders will lead to extensive busing.

I do not profess to analyze or report what the consensus is in California or in any segment of it. There are whites for busing and whites against it. There are blacks for it and blacks against it. There are Mexican-Americans for it and Mexican-Americans against it.

One of the very real concerns of the Mexican-American community is that the great gains they hope to make in bilingual education may be set back by long-distance busing because of the shortage of qualified Spanish teachers. The shortage of bilingual courses stems in good part from the unequal education opportunities that have been made available to Mexican-Americans.

That is a very legitimate problem and one of many problems we will have to face up to, and solve.

Busing is merely one way to achieve equal educational opportunities and equal access to the best education a school district can provide.

There are other ways by which a unitary school system could perhaps be better achieved. For example: redrawing school boundary lines, constructing new schools, and instituting special programs which cuts across usual boundary lines.

I do not believe that hauling small children many miles for many hours in buses is a reasonable way to end the segregation in schools and in our society that indeed must be ended.

Long-range solutions include job training, job opportunities, business ownership, and an unfettered right to decent housing.

It is the urgent need to explore the diverse means which can be used to achieve integrated education which prompted me to cosponsor Senator MONDALE's amendment.

I do not believe that we will have peace and progress in our society, nor the tranquility and hope that all of us yearn for, whether black, white, or brown, whether rich or poor, whether westerners, easterners, northerners, or southerners, until we have embarked upon a course leading to a solution that is fair to all Americans and applied justly to all.

We must also look into the question of Federal financial responsibility during this difficult period of transition.

I have long believed that the Federal Government should provide greater financial assistance in meeting the needs of America's schoolchildren, and for this reason I opposed the President's veto of the Labor-HEW Appropriations Bill.

With so many school districts making good-faith efforts to comply with

the laws requiring school integration, now is the time for the Federal Government to assume a share of the financial burdens generated by these efforts.

I believe that our Nation is at one of its most significant and difficult crossroads: Either we continue to take reasonable steps toward the creation of a truly integrated society, or we must face up to the possibility that continued racial isolation and strife may result in the collapse of our society and free institutions, as we know them today.

Mr. STENNIS. Mr. President, I yield myself 3 minutes on the bill.

Mr. President, I shall not detain the Senate; I simply want to make this point, if I may have the attention of the Senators:

First, I thank every Senator who has contributed to the debate and made suggestions, on both sides. As to the comment about the language of the amendment, we know that, under our processes, the language can always be ironed out in a conference, and then tried out, if it becomes law, and subjected to amendment in the light of the facts.

I believe this amendment substantially represents a statement of policy that will prove a turning point, and will be helpful in dealing with the subject throughout the Nation.

I especially appreciate the concern and the interest of Senators outside the South, who realize that something must be done. I believe that in this way we can save the public schools, and that is my primary purpose.

I point out that we had a good debate here about the position of the administration and of the President, and I refer again now to a part of his statement of February 12, and quote briefly from that statement of last Thursday:

> It is the view of this Administration that every law of the United States should apply equally to all parts of the country. To the extent that the "uniform application" amendment offered by Senator Stennis would advance equal application of law, it has the full support of this Administration.

This is an effort along that line. It is a statement of policy. I believe it will be helpful; and I respectfully submit that it will also be helpful to the schools and to the Nation if we can have a decisive vote, and put over strongly the letter and the spirit of this policy statement, out of which can evolve a better system for us all.

Mr. SCOTT. Mr. President, I yield myself 5 minutes on the bill.

I suppose, Mr. President, it is merciful that the Stennis amendment is recited as mere policy and therefore not binding, if it were to remain in the bill. I sincerely hope the amendment will be defeated. I am well aware of the facts of life, and I am well aware of the surge of piety which is sweeping the Senate. I am also extremely aware of the fact that this is not the final form of the bill. It will still have to go through conference, as the distinguished Senator from Mississippi has stated.

I say it is merciful that it is simply stated as policy, because we also have a policy in Congress to adjourn on the 31st of July, and if we were to follow our own policy, we would be out of here, which we probably will not, because we do not pay any attention to our own pious platitudes and self-adjurations.

I say I am glad it is only stated as policy, because any genuine attempt, in good faith, to enforce this language would require, in my judgment, the use of all the police forces in America, and a great many of the troops overseas. That may be a good thing; it may be a good way to get the troops home.

EQUAL APPLICATION OF THE LAW

Mr. TOWER. Mr. President, I have followed with great interest the debate on the amendments which have been presented by my colleague from Mississippi (Mr. STENNIS). I think that we all owe the Senator from Mississippi a debt of gratitude for the thoughtful, intelligent manner in which he has presented the basic issues which confront us. He has performed a great service to this body by focusing our attention on the central issue of the desegregation crisis in this land. That issue is simply this: Shall the laws of the United States apply equally to like situations in all parts of the Nation.

The issue is not whether the South will somehow be able to escape the integration requirements of the Supreme Court and Congress if we approve the amendments.

It is not whether the people of this land will accept forced busing and federally controlled education as it has been imposed in the South, although, that is a most interesting question. For all too long, we in this body have used almost any excuse to avoid the central issue; the time for facing up to it is here. We must answer this one, simple question: Does this body choose to go on record either for or against the principle that all the laws of this Nation are to be applied equally throughout the land? Will we face up to that issue?

Now there are ways in which we can avoid the issue. One way would be to vote on a motion to table the amendment. Another would be to form a "study" committee to analyze the effects of equal enforcement. Then, when the committee completed its study and made its report, we could decide whether to face the basic issue or delay a decision once more.

In reviewing the record of this debate, I have noted considerable mention of the suggestion that this desire for uniform enforcement of the laws is a sham, a smokescreen if you will, raised to cloud other issues. In reply to this, I ask, what sham is here perpetrated? Either our laws are to be enforced equally throughout the Nation or they are not. No one should be hesitant in the slightest bit about declaring himself on so fundamental an issue. I, for one, am convinced that, if the Nation is to survive truly free, we cannot have different classes of States just as we cannot have different classes of citizens. A plea to continue different classes of membership in the Union must be thrust aside.

At this point, I cannot help but recall a statement here last week by my distinguished colleague from Tennessee (Mr. BAKER). He said that when he came to the Senate as a Republican from Tennessee that he was convinced that after 100 years the Civil War was, in fact, over and that we were one nation again.

He went on to conclude that in each of the 3 years that he has been here that his conviction has annually dwindled until now he is no longer certain that his past conviction was indeed correct. He observed a sort of discrimination, even in this body, that anyone from the South was somehow different and to be treated accordingly. I commend the Senator for his forthright statement and echo his call that this must end, just as surely as other forms of discrimination, but legal and otherwise, must end. We can no longer treat people or States differently on the basis of geography or any other standard.

As Senator RIBICOFF so eloquently commented, vengeance has no place in legislation. No one has ever had a monopoly on virtue; but the past is past, and we must, in the greater national interest, put sectional differences behind us.

Mr. President, I think it would be a serious error for this body to fail to vote on the issue at hand. As we all know, adoption of this substitute amendment would eliminate the opportunity to vote directly on the amendment of the Senator from Mississippi. This would be regrettable. I believe that it is essential that we in the Senate are given a chance to say forthrightly whether what is good for Texas and Tennessee is likewise good for the rest of the Nation.

I do not see how there can be any doubt that these guidelines, if they apply anywhere, should apply everywhere. They do no more good in Texas than they could do in New York, and they do no more harm there than they might do elsewhere. We can simply no longer dodge the issue here in this body as to what course we must take.

President Nixon just last Thursday spoke out for the equal application of existing laws throughout the Nation. We are now provided with a chance here in the Senate to show how we stand on the issue of equal protection. Let us now proceed to make this law uniformly applicable.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. There is no time. All time has been used up on the amendment, on both sides.

The PRESIDING OFFICER. The Senator is correct; all time on the amendment has expired, and some time has been used on the bill itself.

Mr. SCOTT. Mr. President, we have no requests for time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment (No. 463) of the Senator from Mississippi, as amended by the amendment of the Senator from Connecticut (Mr. RIBICOFF). The yeas and nays have not been ordered.

Mr. STENNIS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment

(No. 463) of the Senator from Mississippi, as amended. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD) and the Senator from Illinois (Mr. SMITH) 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), the Senator from Oregon (Mr. HATFIELD), and the Senator from Illinois (Mr. SMITH) would each vote "nay."

The result was announced—yeas 56, nays 36, as follows:

[No. 45 Leg.]

YEAS—56

Aiken	Ervin	Murphy
Allen	Fannin	Packwood
Allott	Fong	Pearson
Anderson	Fulbright	Prouty
Baker	Goldwater	Randolph
Bellmon	Gore	Ribicoff
Bennett	Gurney	Russell
Bible	Hansen	Smith, Maine
Burdick	Holland	Sparkman
Byrd, Va.	Hollings	Spong
Byrd, W. Va.	Hruska	Stennis
Cannon	Jordan, N.C.	Stevens
Cook	Jordan, Idaho	Talmadge
Cooper	Long	Thurmond
Cotton	Mansfield	Tower
Curtis	McClellan	Williams, Del.
Dole	McGee	Yarborough
Eastland	McIntyre	Young, N. Dak.
Ellender	Montoya	

NAYS—36

Boggs	Hughes	Nelson
Brooke	Inouye	Pastore
Case	Jackson	Pell
Church	Javits	Percy
Cranston	Magnuson	Proxmire
Dodd	Mathias	Saxbe
Eagleton	McCarthy	Schweiker
Goodell	McGovern	Scott
Gravel	Miller	Symington
Griffin	Mondale	Tydings
Harris	Moss	Williams, N.J.
Hart	Muskie	Young, Ohio

NOT VOTING—8

Bayh	Hatfield	Mundt
Dominick	Kennedy	Smith, Ill.
Hartke	Metcalf	

So Mr. STENNIS' amendment (No. 463), as amended, was agreed to.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

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

REPORT ON U.S. FOREIGN POLICY FOR THE 1970'S—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

In my State of the Union Message to The Congress and on other occasions, I report to The Congress and the American people on specific aspects of foreign affairs. The Secretary of State also frequently makes reports to the appropriate committees of The Congress on foreign affairs, and the Secretary of Defense must deal with such matters as they relate to military programs.

Up to now, however, there has been no comprehensive report on foreign affairs submitted to The Congress on behalf of the Administration as a whole. I am, therefore, transmitting to The Congress this report on my Administration's stewardship of foreign relations. I hope the report will lead to a better understanding by The Congress and the American people of the spirit in which this Administration has sought to guide our foreign affairs, of what has been accomplished so far, and of our new approach to the challenges and opportunities of the world of the 1970s.

RICHARD NIXON.

THE WHITE HOUSE, *February 18, 1970.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 55. An act for the relief of Leonard N. Rogers, John P. Corcoran, Mrs. Charles W. (Ethel J.) Pensinger, Marion M. Lee, and Arthur N. Lee;

S. 1678. An act for the relief of Robert C. Szabo; and

S. 2566. An act for the relief of Jimmie R. Pope.

The message also announced that the House had passed the bill (S. 495) for the relief of Marie-Louise (Mary Louise) Pierce, with an amendment, in which it requested the concurrence of the Senate.

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

H.R. 2047. An act for the relief of Roseanne Jones;

H.R. 2214. An act for the relief of the Mutual Benefit Foundation;

H.R. 2552. An act for the relief of John Vincent Amirault;

H.R. 2950. An act for the relief of Edwin E. Fulk;

H.R. 3530. An act for the relief of Janis Zalcmanis, Gertrude Jansons, Lorena Jansons Murphy, and Asja Jansons Liders;

H.R. 3558. An act for the relief of Thomas A. Smith;

H.R. 3629. An act for the relief of Mrs. Sabina Riggi Farina;

H.R. 3723. An act for the relief of Robert G. Smith;

H.R. 3955. An act for the relief of Placido Viterbo;

H.R. 4480. An act for the relief of John W. Watson, a minor;

H.R. 5000. An act for the relief of Pedro Irizarry Guido;

H.R. 6125. An act for the relief of Anne Reale Pietrandrea;

H.R. 6375. An act for the relief of Amalia P. Montero;

H.R. 6378. An act for the relief of Noel S. Marston;

H.R. 6389. An act for the relief of Visitacion Enriquez Maypa;

H.R. 7267. An act to require the Foreign Claims Settlement Commission to reopen and redetermine the claim of Julius Deutsch against the Government of Poland, and for other purposes;

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

H.R. 11578. An act for the relief of Patricia Hiro Williams;

H.R. 12037. An act for the relief of Ali Somay;

H.R. 12176. An act for the relief of Bly D. Dickson, Jr.;

H.R. 12887. An act for the relief of John A. Avdeef; and

H.R. 15354. An act for the relief of Anthony P. Miller, Inc.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H.R. 2047. An act for the relief of Roseanne Jones;

H.R. 2214. An act for the relief of the Mutual Benefit Foundation;

H.R. 2552. An act for the relief of John Vincent Amirault;

H.R. 2950. An act for the relief of Edwin E. Fulk;

H.R. 3530. An act for the relief of Janis Zalcmanis, Gertrude Jansons, Lorena Jansons Murphy, and Asja Jansons Liders;

H.R. 3558. An act for the relief of Thomas A. Smith;

H.R. 3629. An act for the relief of Mrs. Sabina Riggi Farina;

H.R. 3723. An act for the relief of Robert G. Smith;

H.R. 3955. An act for the relief of Placido Viterbo;

H.R. 4480. An act for the relief of John W. Watson, a minor;

H.R. 5000. An act for the relief of Pedro Irizarry Guido;

H.R. 6125. An act for the relief of Anne Reale Pietrandrea;

H.R. 6375. An act for the relief of Amalia P. Montero;

H.R. 6378. An act for the relief of Noel S. Marston;

H.R. 6389. An act for the relief of Visitacion Enriquez Maypa;

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H.R. 11578. An act for the relief of Patricia Hiro Williams;

H.R. 12037. An act for the relief of Ali Somay;

H.R. 12176. An act for the relief of Bly D. Dickson, Jr.;

H.R. 12887. An act for the relief of John A. Avdeef; and

H.R. 15354. An act for the relief of Anthony P. Miller, Inc.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. STENNIS and Mr. MONDALE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

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

Mr. MONDALE. I yield, with the understanding that I will not lose my right to the floor.

Mr. STENNIS. Mr. President, may I repeat the words of thanks for the consideration by the Members of this very grave and serious question that affects all of us.

Mr. SCOTT. Mr. President, will the Senator yield so that I may comment on that point?

Mr. STENNIS. I yield.

The PRESIDING OFFICER. The Chair points out that time has not been yielded.

Does the Senator from Rhode Island yield time to the Senator from Minnesota?

Mr. MONDALE. I yield to the Senator from Pennsylvania.

Mr. PELL. I yield 5 minutes to the Senator from Minnesota.

Mr. MONDALE. How much?

Mr. PELL. How much time does the Senator desire?

Mr. MANSFIELD. Mr. President, will the Senator yield me some time?

AMENDMENT NO. 499

Mr. MONDALE. Perhaps I could call up my amendment and yield time.

Mr. President, I call up my amendment No. 499, and I will yield to the Senator from Mississippi.

The PRESIDING OFFICER. The clerk will state the amendment.

The bill clerk proceeded to read the amendment.

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

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

The amendment of the Senator from Minnesota is as follows:

AMENDMENT NO. 499

EQUALITY OF EDUCATIONAL OPPORTUNITY

SEC. 3. (a) Recognizing that the policy of the United States to assure every child, regardless of race, color, or national origin, an equal opportunity for a quality education has not been fully achieved in any section of the country, there is hereby established a select committee of the Senate (to be known as the Select Committee on Equal Educational Opportunity) composed of three majority and two minority members of the Committee on Labor and Public Welfare, three majority and two minority members of the Committee on the Judiciary, and two majority and one minority Members of the Senate from other committees, to study the effectiveness of existing laws and policies in assuring equality of educational opportunity, including policies of the United States with regard to segregation on the ground of race, color, or national origin, whatever the form of such segregation and whatever the origin or cause of such segregation, and to examine the extent to which policies are applied uniformly in all regions of the United States. Such select committee shall make an interim report to the appropriate committees of the Senate not later than August 1, 1970, and shall make a final report not later than January 31, 1971. Such reports shall contain such recommendations as the committee finds necessary with respect to the rights guaranteed under the Constitution and other laws of the United States, including recommendations with regard to proposed new legislation, relating to segregation on the ground of race, color, or national origin, whatever the origin or cause of such segregation.

(b) For the purposes of this section the committee, from the date of enactment of this legislation to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; (3) to subpena witnesses; (4) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government; (5) to contract with private organizational and individual consultants; (6) to interview employees of the Federal, State, and local governments and other individuals; and (7) to take depositions and other testimony.

(c) Expenses of the committee in carrying out its functions shall not exceed $200,000 through January 31, 1971, and shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(d) The matter set forth in subsections (a), (b), and (c) of this section is enacted by the Senate as an exercise of its rulemaking power, and with full recognition of the right of the Senate to change such matter at any time.

Mr. STENNIS. Mr. President, I now yield to my good friend from Pennsylvania briefly.

Mr. SCOTT. Mr. President, I asked for this time only to say that I think no one conducts a matter of this kind with greater courtesy or consideration than the distinguished Senator from Mississippi (Mr. STENNIS).

I want to express my deep appreciation to him for his fairness at all times, for his willingness to recognize the many facets of a complex and difficult question, and for the fact that with him it is never a matter of questioning the motives of anyone but is a matter merely of seeking to obtain a resolution of an issue—and this is a particularly difficult one.

I am most grateful to him for all his courtesies. I thank him, and I want to thank all those who have participated in this debate, on both sides of the aisle and to express hope that we may proceed from here on with a greater degree of expedition, but, if the Senate decides to work with the all deliberate speed formula, I shall be as patient as the next.

Mr. STENNIS. I thank the Senator. I want especially to thank and commend the distinguished Senator from Connecticut (Mr. RIBICOFF) for his great sincerity as he wrestled with this problem, for the frankness of the analysis he made, and especially for his great personal courage to move forward in this field, strictly as a man of conscience and on his own, in this very troublesome and delicate field.

He and I talked about this problem over a period of 5 or 6 months. I made no special appeal to him on the matter. He called me up one Monday morning at 9:30 and said that he had written a speech supporting my amendment. I was pleased, of course, but I did not have comprehension enough to realize what a fine analysis and what far-reaching vision he had on this problem as reflected in that speech.

Mr. President, I give him all the credit for illuminating his position in his speech, in such a way as to make it compelling. His position is a landmark and opens a new gateway. I believe that we are at a turning point which will lead to a far better consideration of the kind that I hope will solve the problem.

Mr. President, I based my fight on the ground that we must have public schools and that they must be supported by the people; otherwise, we all will suffer. We must move forward in this field. I know that the Senator from Connecticut was impelled by great motives, to which I have referred briefly. It is one of the finest things I have seen happen since I came to the Senate.

I thank the Senator from Connecticut very much.

Mr. MONDALE. Mr. President, I thank the Senator from Mississippi. I join the Senator from Pennsylvania in expressing my admiration for the dignity and the ability with which the Senator from Mississippi (Mr. STENNIS) presented his case.

I must say that I feel greatly encouraged. The last time I challenged the Senator from Mississippi was on the aircraft issue and I got seven votes. Today, we got 46 votes on the modified Scott amendment. I appreciate the fine work of the Senator from Mississippi.

Mr. President, on behalf of the Senator from New York (Mr. JAVITS) and myself and several other cosponsors, I have called up amendment No. 499.

I ask unanimous consent that the following Senators be added as cosponsors of this amendment: Senators BAYH, BROOKE, CASE, CRANSTON, HARRIS, MCGEE, PACKWOOD, and STEPHEN YOUNG.

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

Mr. MONDALE. Mr. President, I offer this amendment because deep and compelling racial problems plague all sections of our country.

I offer it because racially segregated schools exist in all regions of the United States.

I offer it because I believe in our country's commitment to assure all children—regardless of their race, color, or

national origin—equal educational opportunities.

I offer it because I am convinced that we would be acting irresponsibly if we did not face up to these conditions and commitments squarely, and if we did not act on them with a full understanding of pertinent laws and court decisions. And I offer it in the knowledge that our action today accepting the STENNIS amendment in no way faces up to the problems associated with de facto segregation.

The problems surrounding school segregation, especially de facto segregation, involve some of the most fundamental issues facing our Nation. The amendment offered by the Senator from Mississippi (Mr. STENNIS), and the speech delivered last week by the Senator from Connecticut (Mr. RIBICOFF) focused our attention on the questions of racial isolation and de facto segregation. These Senators have done the Senate and the country a great service in raising these important and legitimate questions.

In order to understand the existing legal limitations in dealing with de facto segregation, we must first examine the distinctions that have been drawn by the courts, and reinforced by provisions in the Civil Rights Act of 1964 and the Elementary and Secondary Education Act between de jure and de facto segregation, or between discrimination and segregation.

Title VI of the Civil Rights Act of 1964, school desegregation guidelines, and court decisions refer to discrimination and de jure segregation. Title VI prohibits discrimination in federally assisted programs. It applies to de jure segregation—segregation which has been caused by, or is a vestige of, official acts of public discrimination—such as the establishment of dual, racially segregated school systems, or official gerrymandering of school districts.

Title VI does not, however, provide that racial segregation per se is illegal or unconstitutional. What has been called racial isolation, racial imbalance, or de facto segregation caused by adventitious events such as residential patterns is not subject to the desegregation requirements of title VI of the Civil Rights Act or court decisions.

In fact, the Congress has been explicit in its decision that the school desegregation program shall not apply to situations of racial imbalance or de facto segregation. For example, section 401 of the Civil Rights Act states that:

> Desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance.

The effect of these laws and court decisions is that the enforcement mechanisms of the school desegregation program are only invoked where segregated schools are the result of deliberate and official public policy. The trigger for school desegregation enforcement is a finding of discrimination, not simply a finding of segregation. In the case of segregated schools, the origin or cause of such segregation determines whether the title VI school desegregation program is applicable or not.

I think it is terribly important to understand not only that this distinction between de jure and de facto segregation exists, but also that the existing law is applied uniformly. Wherever discrimination or de jure segregation is found—in the North, South, East, or West—it is unconstitutional and subject to administrative enforcement under title VI or court action.

A substantial amount of the school desegregation effort has been focused on the South because until 1954, when the Supreme Court declared they were unconstitutional, laws mandating dual, racially segregated school systems existed in 17 Southern and border States. The courts have accepted as a reasonable presumption that segregated schools in these States have resulted from those official policies.

In order to fully understand the reasons for this emphasis of school desegregation efforts in the South, it is important to understand the development of the law of school desegregation in both North and South.

After 16 years—Brown against Board of Education was in 1954—and some 400 court decisions, it is fair to say that what constitutes unlawful, racially discriminatory school segregation is now well-defined in a Southern setting. Indeed, after many years of hearing individual testimony, the courts have adopted what might be characterized as a "shorthand" approach to making determinations as to what constitutes unlawful segregation in the South. Specifically, any school system in the South that continues to have schools which have all black or all white student bodies and/or faculties are presumed to have not carried out the constitutional duty to eliminate its illegal racially dual school system. In these Southern school cases, the courts no longer require the plaintiffs to put forward massive evidence or extended testimony of actions or inactions by school officials that resulted in the creation or maintenance of racially dual systems. The continued existence of the segregation raises a presumption that Brown was never complied with by the school officials. Almost without exception, courts hearing Southern school cases have required school systems that have segregated facilities to take whatever action is deemed necessary to eliminate racially identifiable schools. The actions contemplated by the courts include closing schools, consolidating schools and busing students where it is deemed necessary to undo the illegal situation.

In the North, on the other hand, where there are few definitive court decisions governing school segregation, the courts have not, as yet, adopted a "shorthand" approach to what constitutes illegal school segregation. In all of the Northern school cases where the courts have found illegal conduct, it has been necessary for the plaintiffs to present voluminous evidence of deliberate action or inaction by school officials to maintain, create, or promote racial segregation. In a case in South Holland, Ill., the Justice Department—as a plaintiff in the case—in effect proved that South Holland made school decisions in order to discriminate against pupils on the basis of race. The kind of proof offered by the Government was practically identical to that which the courts had been requiring in Southern cases until about 4 years ago.

In summary, the law governing Southern school segregation has evolved to where the courts accept the existence of an all black or all white school as prima facie evidence of illegal discriminatory action. The judicial law governing Northern cases has not so evolved—detailed proof of deliberate misconduct is needed.

While the school desegregation guidelines are issued under the authority of title VI of the Civil Rights Act of 1964, the Department of Health, Education, and Welfare has consistently taken the position that the primary responsibility for establishing the policies governing school segregation is a function of the courts and not the executive branch. Thus, while the Department's guidelines and criteria governing school desegregation have been revised and modified, these actions have always been to bring the Department's policies in line with the prevailing court decrees.

SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

We have been challenged to develop a responsible approach to the problems surrounding de facto school segregation, and I think we should accept that challenge.

This is the reason I have proposed a substitute amendment creating a Select Committee of the Senate—composed of members of the Committee on Labor and Public Welfare, the Committee on the Judiciary, and members at large—to study and make recommendations concerning the problems related to de facto segregation in the schools.

My amendment begins with an explicit recognition that the policy of the United States to assure every child, regardless of race, color, or national origin, an equal opportunity for a quality education has not been fully achieved in any section of the country. The Select Committee to be established by the amendment is charged with the task of studying the effectiveness of policies relating to de facto segregation, and reporting recommendations to the Senate in an interim report no later than August 1, 1970, and a final report no later than January 31, 1971.

As I indicated when I introduced this amendment, I believe that in developing these recommendations the Select Committee would have to consider, among others, the following questions:

Would new policies need to be adopted concerning residential living patterns and the enforcement of fair housing legislation?

Would new policies need be adopted to encourage more low-income housing, more widely dispersed?

Is a new policy regarding busing as a means for eliminating or reducing racial isolation in public schools necessary?

Is a new policy insuring equal employment opportunity necessary to reduce racial isolation? Do we need a national program of public service employment?

Do we need a new program to insure excellence in education in all schools so that children will have equal access to employment and housing opportunities?

Would existing provisions in existing laws such as the Civil Rights Act of 1964 and the Elementary and Secondary Education Act with respect to racial imbalance need to be modified or repealed?

Should programs of Federal assistance be established to enforce or encourage a new national policy relating to racial isolation in the schools?

Mr. President, we have been challenged to end our hypocrisy and to face honesty and openly the problems related to de facto school segregation. I believe we must accept this challenge.

Our substitute amendment would insure that this problem would receive the honest and responsible action it deserves. By creating a Select Committee composed of Senators from the two committees with jurisdiction over problems of civil rights and education, and members of the Senate at large, by establishing deadlines for the Committee to make recommendation to the Senate, and by providing adequate resources for staff and necessary expenses, this amendment represents a good faith reply to a serious challenge.

I urge my colleagues to vote in favor of this substitute amendment.

Mr. MANSFIELD. Mr. President, will the Senator from Minnesota yield to me briefly, for one or two unanimous consent requests?

Mr. MONDALE. I yield.

ORDER FOR ADJOURNMENT UNTIL 10:30 TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today—and may I say that I hope we have more votes this afternoon and this evening—it stand in adjournment until 10:30 o'clock tomorrow morning.

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

RECOGNITION OF SENATOR STEVENS TOMORROW MORNING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that immediately after approval of the Journal, the distinguished Senator from Alaska (Mr. STEVENS), be recognized for not to exceed 30 minutes.

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

LIMITATION OF STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the Senator from Alaska (Mr. STEVENS), there be a brief morning hour, with statements in relation to the transaction of routine morning business limited to 3 minutes.

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

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 514) to extended programs of assistance for elementary and secondary education, and for other purposes.

Mr. MONDALE. Mr. President, let me say to the distinguished majority leader that I do not plan to take much time on this proposal. I am hopeful that the manager of the bill, the Senator from Rhode Island (Mr. PELL), might agree to accept it, and I would ask him to respond at this time.

Mr. PELL. The Senator from Minnesota is absolutely correct. I have studied the amendment. It fills a vacuum which has existed. It would mean that we would be able to illuminate the subject. Those of us not in depth with the question of segregation as perhaps we should be will be able to become more familiar with it. Except for the Coleman report which has been cited, there has been very little study made of the de facto aspects of segregation.

I think that the establishment of a select committee is an excellent idea and I would recommend it to all Senators and urge that they agree to the amendment offered by the distinguished Senator from Minnesota (Mr. MONDALE) and the distinguished Senator from New York (Mr. JAVITS).

Mr. GRIFFIN. Mr. President, I should like to direct some questions to the Senator from Minnesota concerning the intent of his amendment.

At the bottom of page 1 and continuing on page 2, of the Senator's amendment, it states: "composed of three majority and two minority members of the Committee on Labor and Public Welfare, three majority and two minority members of the Committee on the Judiciary, and two majority and one minority Members of the Senate from other committees."

Mr. President, I am not quite clear as to whether the Senator means they want three additional members or whether he means two majority members and one minority member from each of the other committees of the Senate. Would the Senator respond to that?

Mr. MONDALE. I intend a total of three additional members, to be chosen through the regular selection process through the steering committees, the Republican and Democratic steering committees would select those members.

Mr. GRIFFIN. So that there would be a total of three additional members in addition to those members who came from the Committee on Labor and Public Welfare and the Committee on the Judiciary?

Mr. MONDALE. That is right.

Mr. GRIFFIN. It seems rather strange, in a way, that so far as the first six members are concerned, the ratio is 3 to 2 as between majority and minority; whereas, the Senator also, has a 2 to 1 ratio. I wonder if there is any particular reason for that?

Mr. MONDALE. I shall be glad to modify my proposal, if there is no objection to establishing the 3-to-2 relationship.

Mr. GRIFFIN. I think that might be a good idea.

Mr. MONDALE. I understand that the ratios in my amendment are similar to those used in forming the Select Committee on Nutrition and Related Needs, but I have no objection to modifying my amendment accordingly.

Mr. GRIFFIN. Before the Senator does that, there is another point I should like to bring up. In trying to work in a difficult area such as this one, it seems to me we do not want to get bogged down in partisanship. We do not want to play politics with it. We want cooperation and a bipartisan approach. We would want to make sure that the minority was adequately represented and staffed.

I notice on page 3 of the amendment, "that the minority is authorized to select one person for appointment."

It does seem to me that that might not be adequate for the minority to make a significant contribution in this situation. I do not know how many staff there will be, and particularly in a situation like this I think we want a bipartisan effort. In fact it might even have been proposed as in the past with select committees, that the committee be set up on a bipartisan basis with an equal number of members of the two parties represented. But certainly I think that to give the minority only one staff person might not be adequate.

Mr. MONDALE. Mr. President, I am advised by counsel that this language does not intend to limit the minority to one staff member. It is designed to indicate that there will be at least one. And I assume that the committee would certainly want the minority to be well represented on the staff. That would certainly be my view. Certainly one staff member would not be adequate.

I believe the committee ratio should be fair, and that the minority should have more than one staff member.

The only way the committee can work is on a bipartisan basis.

Mr. GRIFFIN. Mr. President, I think that is useful legislative history. As I understand the staff explanation, the reference to one person there is not a limitation as far as the allocation of the staff to the minority.

I am not thinking in terms of clerical help. I am thinking in terms of professional assistance.

Mr. MONDALE. The Senator is correct. The amendment is not intended to limit the amount to one staff member.

Mr. GRIFFIN. If there is no particular reason not to do so, and the Senator is disposed to change the number, what representation would there be? Would there be 3 and 2?

Mr. MONDALE. According to the modification prepared there will be a——

Mr. PELL. It will be 9 to 6.

Mr. MONDALE. It would be 9 to 6.

Mr. GRIFFIN. I thank the Senator very much.

Mr. MONDALE. Mr. President, I yield first to the Senator from Connecticut and then to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. RIBICOFF. Mr. President, I feel that the Senator from New York and the Senator from Minnesota have come up with a very constructive suggestion. It must have been obvious to all of us as this debate has proceeded during the last 2 weeks that we are in a most complicated situation. This country will have

to take a new course in the field of education all across the land. It is apparent from the deep concern in the Senate that the Senate has an obligation to play an important role in determining educational opportunities and educational policy for the country.

The suggestion for the select committee made by the Senator from Minnesota is important. And I do hope that the Senate adopts the suggestion advanced by the Senator from Minnesota in amendment No. 499.

Mr. MONDALE. Mr. President, I am indeed grateful for the support offered by the Senator from Connecticut. It has seemed to me all along—and I have tried to make this point in the debate—that the courage shown by the Senator from Connecticut has helped expose the national character of the problem our country is facing everywhere in dealing with color and with race.

The problem is probably getting worse and not better. It is found everywhere. At no level of government have we adequately focused on the problem. Most of what we are trying to do is either not working or not working well enough.

Practically every dispassionate study, whether it be the Kerner Commission, the Eisenhower Commission, or any other commission, has concluded almost unanimously that the country is on the point of exploding, that the division between the races is widening.

The Senator from Connecticut has exposed the reality of that matter. That exposure helped prompt me to propose the creation of a Select Committee.

A committee is often a place for problems we would rather not have. It will be up to all the members of the Select Committee to realize the profound nature of the problem with which the committee is designed to grapple. The committee should not come back here with old answers that cannot work or with theoretical answers that cannot work. Rather, they should try to recommend a solution that will work and that will be acceptable to the people of this country.

If we can do that, this would be an important accomplishment, and no man should be credited with achieving it more than the Senator from Connecticut.

Mr. President, I yield to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, the expression used by the Senator from Minnesota, "The exposure of reality," is what I am concerned with. And that is that we expose the realities all over the land.

Obviously, the concern occurs when we have just had—and I do not allude to the majority leader—the manager of the pending bill proposing one concept, and the minority leader has just proposed a different concept.

After the vote of the majority of the U.S. Senate to get a committee together, we wonder whether they will expose the realities in the other sections of the country—namely, the de facto areas, meaning Chicago, Philadelphia, and New York.

Would the committee go there?

Mr. MONDALE. That is precisely the reason why the committee is being formed. It is being formed with a view to hold hearings and to hear from witnesses all over this country, from educators, parents, and students, in an effort to try to find some way to deal with the problems of de jure and de facto segregation wherever they are found, including Minnesota.

Mr. HOLLINGS. Mr. President, if the author of the amendment could show me that there would be a balanced representation on the committee, I would be glad to support it. The silent majority has just spoken. That crowd has lost, and that is why they want the study.

Mr. MONDALE. The silent majority was not so silent.

Mr. HOLLINGS. The Senator is correct. But it took us a long time to be heard.

The point is that if the Senator can assure me that it will be an objective study and that he will go to the South and the North, I will support it. Come to the South. We have been heard. In fact we have a lot of professional witnesses. We will not by any means bring those professional witnesses. We want the committee to hear from leaders of both races and both sides of the school problem.

I think that would be salutary.

But what concerns me is that if we get a committee, and when the Senator from Minnesota and the Senator from New York get together, I am concerned about whether we will get down in the 44-by-8-block area of New York that, by design or otherwise, is segregated and no HEW representative or Washington agency has ever made a study there as yet in order to implement the unitary school. Is this a committee to get to that problem or to avoid it?

Mr. MONDALE. Mr. President, the Senator from South Carolina can send me the block number and if I am on the committee, I will make a motion to go there.

Mr. HOLLINGS. Could the Senator help me to get on that committee so that I could second that motion?

Mr. MONDALE. I could not figure any Senator who could contribute more to this committee than the Senator from South Carolina.

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

Mr. MONDALE. I yield.

Mr. PELL. Mr. President, is it not a fact that about an hour ago the Senator from Minnesota and I were discussing the possibility of the select committee, and the suggestion came up that if it were established, the Senator from South Carolina would make a fine member of the committee. And we each agreed that we would like nothing better than to see the Senator from South Carolina on the proposed select committee to insure a balance of view and judgment.

Mr. MONDALE. Mr. President, when we come out with the report, we do not want to be confronted with the kind of debate we had the last time when the Senator from South Carolina took our skin off. We would like to have him on such a committee.

Mr. PELL. Specifically, we hope he would be on it.

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

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

Mr. MONDALE. Mr. President, I yield to the Senator from West Virginia and then I yield to the Senator from California.

Mr. BYRD of West Virginia. Am I to understand from the discussion which has just ensued that the selection of the committee will be determined by the able Senator from Rhode Island and the able Senator from Minnesota?

Mr. PELL. I must take the responsibility for that impression. I evidently misspoke. I thought I said, "We hope." We would be delighted to see the Senator from South Carolina on it.

Mr. MONDALE. In response to the question of the Senator from West Virginia, the method by which this committee is to be selected is clearly spelled out in the amendment. There will be three majority and two minority members of the Committee on Labor and Public Welfare, three majority and two minority members of the Committee on the Judiciary, and Members of the Senate from other committees.

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

Mr. MONDALE. I yield.

Mr. BYRD of West Virginia. Does not the Senator feel that this is a rather strange approach, to add language to a bill to create a select committee of the Senate? Is not a Senate select committee ordinarily created by the passage of a simple Senate resolution? What we would be doing here would be to write into law the creation of a Senate select committee and to give the House of Representatives a voice in the establishment of a Senate select committee; we would also be giving the President a voice in the establishment of a Senate select committee.

Why does the Senator not withdraw this amendment and offer a simple Senate resolution to create such a committee? Then we would be approaching the matter in the normal and appropriate way.

Mr. MONDALE. I refer the Senator to page 3 of amendment No. 499, subparagraph (d), which provides:

> (d) The matter set forth in subsections (a), (b), and (c) of this section is enacted by the Senate as an exercise of its rulemaking power, and with full recognition of the right of the Senate to change such matter at any time.

That language makes clear this is being done within the Senate rulemaking power and not in any other sense.

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

Mr. MONDALE. I yield.

Mr. BYRD of West Virginia. What he is doing is giving the President of the United States a veto over the Senate's authority to create a select committee of the Senate. Moreover, in the event the time should come when the Senator from Minnesota might wish to extend the life

of this committee there would have to be a law passed to extend the life of a Senate select committee created by law.

Mr. MONDALE. We are faced with an extraordinary situation.

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

Mr. MONDALE. I yield.

Mr. BYRD of West Virginia. I am not speaking against the establishment of such a committee. However, I think it would be wise, if I may make the suggestion, to withdraw this amendment and offer a simple resolution to create a Senate select committee and let the Senate vote up and down thereon.

Mr. MONDALE. Is the Senator thinking in terms of action today or about sending it to the Committee on Rules and Administration?

Mr. BYRD of West Virginia. I am thinking of creating a Senate select committee, as the Senator wishes to create. I think the Senator is using the wrong vehicle here. The Senator is adding language to a bill which ultimately will go to conference with the House, and which subsequently would be signed or vetoed by the President. This is the wrong way to approach the establishment of a Senate select committee, by adding language in a bill which requires action by both Houses for enactment. It is not ordinarily done that way.

Mr. MONDALE. I think the Senator is correct. I had hoped, and this is essentially what I had in mind, that the step we take in creating this committee would be part of our total approach to the matter of both de jure and de facto segregation. I think it appropriate in this unique circumstance to do it in this way. I will take my chances on the President signing the bill.

I yield to the Senator from California.

Mr. CRANSTON. Mr. President, I would like to strongly support the amendment offered by the Senator from Minnesota. I do so for these reasons. First, no one knows what the effect will be of the amendments agreed to in the pending legislation. We do not know what the Department of Health, Education, and Welfare will do pursuant to these amendments. We do not know what the courts will do or how they will interpret it. We do not know what the local school boards will do.

The Senator from Minnesota stated that this is simply a declaration of policy. I would agree with the Senator from South Carolina that the composition of the commission established here should be on a geographical basis as well as on a party basis. We have a problem that is North, South, East, and West. We have a difference in definition between de facto segregation and de jure segregation and its practical effect on children and society. There is really now no difference.

We have had a court decision in Los Angeles where a superior court judge stated that what was generally thought to be de facto segregation in schools was actually de jure segregation.

We need an immediate study. That is one reason I support the Senator's amendment, despite the quite valid questions raised by the Senator from West Virginia. We need a study at once. How do we go about dealing with this problem, not on a regional basis, but on a national basis? I agree we should have an approach that is applied North, South, East, and West, in justice and in equity. This study can lead to that sort of an approach to the problem.

I think that the adoption of this amendment would speed the nationwide solution to what is an American problem.

Mr. MONDALE. I thank the Senator from California for his support and his most useful comments. The experiences to which the Senator referred with respect to California help underscore the national nature of this problem. It is not a regional problem but a national problem. We are beginning to find instances of de jure segregation in the North and de facto segregation in the South. It is a national problem and must be approached in that spirit. I am most grateful to the Senator.

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

Mr. MONDALE. I yield.

Mr. HOLLINGS. Mr. President, I share the concern of the Senator from West Virginia. I think his point is well taken. I think it is the majority feeling that a study of this kind would be of tremendous benefit to us all.

Why not go ahead and vote, and if it is approved, put it in as a resolution; and when this bill reaches conference we can strike this section.

I do not think we should let all this good debate and consideration go down the drain.

Mr. MONDALE. Mr. President, the recommendation offered by the Senator from South Carolina makes a great deal of sense. I communicated this suggestion to the Senator from West Virginia. That is what I propose today. We will proceed to adopt this amendment today. I will introduce a resolution with the identical terms as modified. If the resolution is adopted I will move as a conferee to strike this amendment.

The PRESIDING OFFICER. Has the Senator from Minnesota modified his amendment?

Mr. MONDALE. No. Mr. President, I modify amendment 499 to provide, on page 2, line 3 that the word "three" be substituted for the word "two" and following thereafter the word "two" be substituted for the word "one".

The PRESIDING OFFICER. Will the Senator send the revision to the desk?

Mr. MONDALE. Mr. President, I am prepared to vote but I understand someone wanted to make a further inquiry.

Mr. AIKEN. Mr. President, will the Senator yield for a question?

Mr. MONDALE. I yield.

Mr. AIKEN. As I understand the Senator's resolution, it proposes to write into law the same authority which was authorized in the resolution which appropriated funds to the Select Committee on Nutrition and Human Needs last Monday, in which it was authorized to study practically everything, including education, health, welfare, and so on and so forth. What the Senator proposes to do is write into law the authority which has now been granted by the Senate to the Select Committee on Nutrition and Human Needs?

Mr. MONDALE. No; I do not see the committee doing what the Senator from Vermont suggests. The focus of the committee's attention will be on what has been described as de facto segregation in education. It is designed to recommend what kind of remedies may be necessary. It is not intended to overlap or interfere with the work of the Select Committee on Nutrition and Human Needs.

Mr. President, I am ready to vote.

Mr. PELL. Mr. President, I would move the acceptance of this amendment.

Mr. BYRD of West Virginia. Mr. President, I hope the Senator will not press this amendment. This sets a precedent. We would be giving the House a voice in the creation of a Senate select committee. We would be giving the President a voice in the creation of a Senate select committee. Additionally, if the time should ever come when the Senate wanted to extend the life of that committee, it would have to do so by law.

Mr. MONDALE. If the life of the committee needed to be extended, the extension of it is clearly within the rulemaking power of the Senate. I understand that.

I suggest that, while I would like the amendment adopted in this form, I will instantly submit a resolution to go to the Committee on Rules and Administration, and, if it is favorably acted on, I would propose to delete this amendment in conference.

Mr. BYRD of West Virginia. Is the Senator saying that by the adoption of a simple Senate resolution we could extend the life of a select committee that had been established by law?

Mr. MONDALE. Pursuant to subsection (d), yes. That is authorized. It could go through the Rules Committee and be acted on by the Senate, as any resolution would.

Mr. PELL. Mr. President, my understanding as manager of the bill is that my instructions would be to move to knock it out in conference if it had in the meantime already been agreed to.

Mr. MONDALE. That is right. It is my hope that we can submit a resolution, have it adopted, and then delete this language in conference.

Mr. BYRD of West Virginia. Mr. President?

Mr. MONDALE. I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. I want the floor in my own right.

Mr. MONDALE. I yield the floor, Mr. President.

Mr. BYRD of West Virginia. Mr. President, I do not oppose the establishment of this committee——

The PRESIDING OFFICER. The Chair would like to inquire on whose time the Senator is speaking.

Mr. PELL. Mr. President, I yield to the secretary of the Democratic conference.

Mr. BYRD of West Virginia. Mr. President, I do not take this time to oppose the establishment of the committee. I think the matter has been studied and restudied again and again, and I do not think it is necessary to have additional

studies, but I would not oppose the establishment of the committee on that basis. However, I am opposed to this procedure for establishing a select committee of the Senate. I think it sets a bad precedent to write this language into a bill over which the House will have a vote and over which the President will have a veto. We have never given the President the right to veto the action of the Senate in setting up a select committee of the Senate. We have never given the House jurisdiction as to whether or not the Senate will establish a select committee.

I am against this procedure. I think it sets a bad precedent. I think it is a vain thing to pass it here and then have it knocked out in conference.

Mr. President, I move to lay the amendment on the table.

Mr. MONDALE. Mr. President, will the Senator withhold his motion so that I may reply?

Mr. BYRD of West Virginia. I withhold it.

Mr. MONDALE. Mr. President, the factual issues have been debated for 4 or 5 days. It has been an exhaustive and illuminating debate.

The PRESIDING OFFICER. The Chair would like to say that such a motion is out of order until the time on the amendment was used or yielded back.

Mr. BYRD of West Virginia. The Chair is correct. I merely wish to state my intention to make such motion when all time has expired.

Mr. MONDALE. Mr. President, we have explored this issue, and debated it. It has been a long and tiring effort on the part of everyone. It is one of the most unusual debates, if not the most unusual, that I have participated in in the 5 years I have been in the U.S. Senate. I believe everyone in it tried to participate honestly and fully in the exploration of a problem that is tearing at the very essentials of American society.

The key challenge to those of us who principally represent States outside the South was as follows: "It is true that we have a problem of segregation in the South, but you have a similar problem arising from residential living patterns which may result in essentially the same impact on children in your communities as we have in the South."

I accept that challenge. I think it is one to which we must respond. Therefore, I think it important, when the Senate disposes of this act, that it not make a futile gesture against de facto segregation, but recognize how little we know about it, how much study remains to be done, how important it is that we really focus on an understanding of the issues involved. It is important that to the extent that reasonable and acceptable remedies exist, we discover them and apply them at every level of government.

It seems unwise to adopt this legislation without taking that step; to abandon this effort by introducing a resolution, sending it to the Rules Committee, having long and possibly extended hearings, which may even result in the committee's rejecting it, and then coming here some time later and threshing out this issue all over again.

It may be an unusual step that we are taking, but I think it shows our honest efforts to deal with the problem. The final step would be to have the committee really fulfill the responsibilities expected of it under this act. But I think to sidestep that part, to ignore those responsibilities at this time by going through this other process, would be unwise. Therefore, I most respectfully disagree with the Senator from West Virginia.

Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, without the time for it being subtracted from either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MONDALE. 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. MURPHY. Mr. President, yesterday during our debate on H.R. 514, the Elementary and Secondary Education Act amendments, I took the floor with respect to a bill I had introduced, the Urban and Rural Education Act, which was subsequently added as a new part C to ESEA. These provisions in my judgment will, if enacted, alleviate and help with some of the critical problems that are besetting the field of education.

Mr. President, at the conclusion of my remarks yesterday, I asked unanimous consent to have some letters printed in the RECORD. Letters from California educators were included, but unfortunately letters from educators and educational organizations from across the country were omitted.

I would now like to ask unanimous consent that these replies be printed in the RECORD at this point.

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

Hon. GEORGE MURPHY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: This morning as President Selden and I testified in support of the student teacher corps legislation, Senator Pell handed us a copy of your news release of July 15, 1969. This release concerned the bill you plan to introduce titled, the Urban and Rural Education Act of 1969.

We commend you for introducing this much needed and excellent piece of legislation. The American Federation of Teachers wholeheartedly supports the ideals which you propose.

Please, therefore, consider this a request to be permitted to testify in support of the legislation during hearings on the bill. In reading the news release we are impressed by the number of educational organizations which you list who intend to support your proposals.

We are equally disturbed, however, that the AFT was not among your listing. Our President, David Selden, is a member of the Urban Planning Commission. So many of the ideals which you inaugurated received his support and approval. To acquaint you further and with the thought that the information might be of help to the Committee as it considers the legislation, I am enclosing copies of President Selden's articles entitled, "Educational Need," and, "Compensatory Education," which appeared in the American Teachers under dates of June and May respectively.

Again, my commendation.

Sincerely,

CARL J. MEGEL,
Director of Legislation.

NATIONAL SCHOOL BOARDS ASSOCIATION,
Evanston, Ill., August 6, 1969.

The Honorable GEORGE MURPHY,
The U.S. Senate,
Washington, D.C.

DEAR SENATOR MURPHY: As indicated in our testimony before the Senate Education Committee June 17, NSBA is acutely aware of the education needs of the urban and rural children and supports full funding of all ESEA programs as well as Title I.

Your Bill S. 2625 will increase the opportunity to reach the children early in their school careers. It is well documented at the local level that early identification and remediation pays off manyfold financially as well as educationally.

Your presentation of your bill on the floor of the Senate eloquently describes the need for this legislation. We heartily endorse the measure.

Sincerely,

BOARDMAN W. MOORE.

NATIONAL SCHOOL BOARDS ASSOCIATION,
Washington, D.C., September 22, 1969.

Honorable GEORGE MURPHY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MURPHY: Although our President Mr. Boardman Moore wrote to you on August 6 endorsing your bill S. 2625, the problems of the educationally disadvantaged are so acute that we believe our position should be very clear.

We applaud your interest in the education of the disadvantaged and support your bill. As correctly indicated in your statement introducing the bill, NSBA is worried that the dire necessity for providing compensatory education for disadvantaged children cannot be accomplished because the financial resources are not available. Many cities and rural areas simply cannot pay the costs.

Some of the great cities of the nation are characterized by a disproportionally large low-income population, above average number of school children coming from deprived home environments, and a deteriorating economic base. Frequently a large low-income population, declining or at best stagnant property values, and the flight of commerce, industry and middle-income residents combine with very high social costs (that preempt a rising share of available revenue resources) to restrict the capability to finance schools. Often they even fare poorly under state and federal grant programs. Increasingly, tax rates in these cities are among the highest; the quality of their governmental programs, once among the best, are now second rate; municipal structures are poorly maintained.

These old cities, particularly frequent in the Northeast and Middle West—some at the hub of urban areas, others scattered through out the area—are obliged to spend less and less per child relative to their more prosperous neighbors, despite the fact that their children are particularly in need of the stronger education programs. The financial problems of the cities are further increased by rising costs of regular educational programs. For example, land costs for new schools in Baltimore have reached $300,000 an acre.

Poorer rural communities, particularly conspicuous in the South and Middle West, are characterized by consolidation and mechanization of farm holdings with reduced job opportunities and declining populations, by abandoned rural and town structures, and by little or no new construction. Taxable values on property tax rolls lag far behind

national growth rates. An increasing proportion of properties in these places is financed by out-of-area institutional investors (rather than the town bank), producing a continuing out-flow of cash income from the community. At best, the local economy just manages to hold its own. Appalachia-type pockets of poverty abound. Frequently, the school fiscal problem is further aggravated by diseconomies of scale, because the school population is declining at the same time that progress in educational technology calls for larger school units.

By contrast, high income suburbia is financially well off. Using Cleveland, Ohio and some of its suburban areas for examples: Last year Cleveland spent approximately $578 per child for public education; Shaker Heights spent $958; Bratenall $1,342; and, Cuyahoga Heights $1,344. The attached table, based on 1964–65 data, further illustrates these differences.

It is well documented that students from good homes in middle- and high-income environments make better progress in school than underprivileged children. They may be able to progress even under relatively weak school programs. Students without these advantages require more school resources. Since some children's education is considerably more expensive than that of others, the undertaking to afford each child an equal educational opportunity requires an unequal investment per child.

Your bill, if enacted and funded, would provide this additional support for those districts whose needs are greatest with additional financial assistance to bolster programs for our younger children in the elementary schools. We hope this concept might be incorporated in the extension of the Elementary and Secondary Education Act now being reviewed by the Senate Committee on Labor and Public Welfare.

Sincerely yours,

AUGUST W. STEINHILBER,
Director, Federal and Congressional Relations.

THE RESEARCH COUNCIL OF THE GREAT CITIES PROGRAM FOR SCHOOL IMPROVEMENT,
Chicago, Ill., August 20, 1969.

Hon. GEORGE MURPHY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MURPHY: I have reviewed the Urban and Rural Education Act of 1969 which you introduced on July 15 and find that it has much merit. The educational crisis in the large cities of this nation will never be solved until we do have substantial educational programs with massive funding. Your proposal, as I understand it, would be an add-on to Title I of the Elementary and Secondary Education Act and would be directed for the most part at the elementary school programs that are now operative within the program framework of the Elementary and Secondary Education Act in our local educational agencies.

While I favor additional federal dollars for education, I am concerned about the following factors:

1. Title I of the Elementary and Secondary Education Act presently has an authorization of approximately $2.3 billion. The recent House action appropriates only $1.396 billion of this authorization. Title I, fully funded, would be a dramatic approach to solving many of the problems covered in your proposal.

2. The addition of a new section to Title I, even with specific authorizations, can be submerged into the total Title I appropriation and, without full funding, would be a drain on existing operating programs. The addition of new categories of eligibles under Title I in some of the more recent amendments to the Act have had that effect on local educational agencies.

3. The emphasis on the elementary school program in your proposal is highly desirable; however, the possibility of an expansion of the program to include all grades might very well work in conjunction with the dropout program that you have so strongly supported. The necessity of reaching the elementary school pupil through effective learning programs is, in my opinion, of the highest priority.

4. The second requirement which you specify, that of giving preference to the greatest need, has my complete endorsement. I would point out that in Detroit, where I sit as Vice-President of the Board of Education, this requirement is in effect for existing Title I programs. The limited funds available for these programs and the annual increases in the cost of program maintenance have forced a concentration of our programs to those schools that demonstrate the greatest need.

I would also observe that the very comprehensive explanation of your proposal is a valuable, accurate description of the problems facing local educational agencies which are attempting to provide the best education possible for the disadvantaged youth.

The effort and support you have provided in developing the existing legislation is much appreciated. I know that you will continue to support the expansion of these programs, and I, along with all other educational groups interested in such programs, urge your support of the full funding of the present educational programs when H.R. 13111 reaches the floor. Once this full funding is accomplished, the need for desirable expansions of the program such as your proposal should be promptly enacted and funded from additional appropriations.

Sincerely,

DARNEAU STEWART.

ST. LOUIS PUBLIC SCHOOLS,
St. Louis, Mo., August 13, 1969.

Hon. GEORGE MURPHY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MURPHY: May I commend you for your efforts to help the sorely pressed urban and rural school districts across the Nation. Very few people realize the extent of the problems involved in educating children from the impoverished areas. Your bill, S. 2625, attacks the heart of the problem which exists in the City of St. Louis.

In the past quarter century St. Louis has had a net population loss of 130,000 or 15 per cent. The school population, meanwhile, rose 24 per cent. This period saw the school population change from 78 per cent white to 63 per cent Negro.

The rapidly rising ADC population is now 33,000 children, 45 per cent of the total ADC children in the State of Missouri.

Ten per cent of our pupils are in special classes for the mentally retarded, the hard of hearing, the partially sighted, the physically impaired, and other handicapped groups. There is evidence that another ten per cent who should have these services are struggling along in regular classrooms.

More than 750 school girls become pregnant each year and need special classroom instruction and health services.

The schools now provide nearly 8,000 free and partially paid meals each day for hungry children.

Two-thirds of the 71,200 children who live in our Title I eligible areas are academically retarded a half-year or more in reading, language, and arithmetic.

Pupils' mobility is very high. Some children are enrolled in a dozen different schools in a single school year.

There are constantly increasing numbers of pupils who need help for emotional, social and health problems which must be cared for by the schools because there is no other agency or organization available.

Most of these needs are not educational but, unless they are met, the children cannot learn. Unfortunately, the citizens of the city no longer have the financial capacity to pay for high cost education. Some of the reasons for this decline in ability to pay taxes are:

The City of St. Louis, in 1969, has an assessed property valuation which is actually less than it was a decade ago.

The city has lost 14 per cent of its wage earners in the past seven years.

High costs for other non-school municipal services add to the city resident's tax burden. In the city, 72.4 per cent of each tax dollar is used to pay for police, hospitals, welfare, and other non-school expenses; in St. Louis County, only 39.7 per cent is required for such services.

The average county householder had 86 per cent more money to spend last year than the average householder in the city.

More than 30 per cent of St. Louis voters are bearing the increased costs of private and parochial schools in addition to their usual tax burden. Recent announcements by Missouri bishops indicate that they are at a financial crossroads and that unless they get state support for parochial schools, they may have to close their schools and inundate the public schools with their pupils.

More than 20 per cent of city voters are on small, fixed incomes, are bitter and resentful about inflation, modern youth, and most of all, about taxes.

In commenting on St. Louis' plight Fortune said in its January, 1968 issue:

On its own, St. Louis does not have the resources to cope with the problems of the north side and other poor areas. Despite its smaller tax bite, the county had sufficient funds to outspend the city by a wide margin on schools—$117 per capita, against the city's $86.

Skimping on education is a recipe for perpetuating poverty, but St. Louis has little choice. Its revenues, hard-won through tax rates that provide one more reason for business to leave town, are disproportionately committed to a whole range of public services linked to poverty, crime, and dilapidation.

Your bill, which authorizes a 30 percent addition to regular Title I funds the first year and a 40 per cent addition for second and succeeding years to districts with extremely high concentrations of low income children, would begin to provide some of the resources which these children need if they are to be adequately educated. Neither the children nor the country can afford to have it any other way.

Sincerely yours,

WILLIAM KOTTMEYER,
Superintendent of Schools.

BALTIMORE CITY PUBLIC SCHOOLS,
Baltimore, Md., August 20, 1969.

Hon. GEORGE MURPHY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MURPHY: We have read with a great deal of interest your Urban and Rural Education Act of 1969 and appreciate your asking for our responses to it.

That there is a need for appropriations in addition to funds currently received for the benefit of disadvantaged children there can be little doubt. Your remarks for the record reveal your clear understanding of that fact.

The per pupil expenditure in Baltimore under present ESEA-Title I appropriations is constantly diminishing at a time when costs are increasing at a rate of 8% to 10%. For FY 1969, the ESEA authorization for Baltimore City was $16.6 million; the actual appropriation amounted to $7.3 million, 44% of the authorized amount. For FY 1970, that gross appropriation will be further reduced to $6.4 million, nearly $1,000,000 lower than last year. This gap between authorization and appropriations together with the increasing

number of children being served has worked to lower drastically the per pupil expenditure. In FY 1966, the first year of the program, we were able to spend $241 per eligible child (28,287); in FY 1969, that sum was down to $135 per child (54,121); for FY 1970, the projection is $124 per child.

As regrettable as that steadily diminishing rate of expenditure is, it still presents a picture far better than the reality of our local situation. For FY 1969, the number of eligible children in Baltimore was 54,000, under current guidelines for determining eligibility. In fact, however, we know that well over 100,000 children in Baltimore City are entitled to receive the beneficial services of the kinds of ESEA-Title I programs that could be made available were there adequate financing. (The primary reason for this unfortunate situation is the reliance on the 1960 Census for defining "low income" families. Having to use this constant when all other elements are inconstant obviously adds to the difficulties of depressed areas such as are found in Baltimore.)

Your remarks in the Record contained an explicit reference to the "strenuous effort" made at the local level by the citizens of Baltimore. Not enough can be said about that effort, which resulted, for example, in overwhelming voter approval last November of the largest School Loan for construction in the United States, $80,000,000. And Baltimore's financial difficulties are at least as severe as any large urban center in our country. Our citizens have demonstrated beyond doubt their willingness to sacrifice to the limits for their schools, but our needs outstrip their capacity to pay.

In the context of such data as shown above, your attempts to have added 30% of regular Title I funds in the first year (without precondition) and 40% thereafter (with State approval) for eligible districts can only be endorsed with the most sincere kind of hope. The enactment of your bill would bring school districts such as Baltimore a step closer to full funding under ESEA and allow us to provide services that we know will work to improve the condition of so many of Baltimore's children.

It may be of value to you to know that the National School Boards Association is presently working on proposals concerning the entire matter of federal funding for public education. The thinking of that organization has reached a stage of development where, I am sure, members of Congress will be receiving material related to their work. Perhaps that material will be of value to you as a result of your work with your Urban and Rural Education Act of 1969.

My best wishes to you on behalf of your effort to further improve public education in our country.

Sincerely,

THOMAS D. SHELDON,
Superintendent.

BOARD OF EDUCATION,
CITY OF CHICAGO,
Chicago, Ill., August 14, 1969.

Hon. GEORGE MURPHY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MURPHY: Thank you for your letter of August 7, 1969 with the enclosed reprint from the CONGRESSIONAL RECORD.

Introduction of the Urban and Rural Education Act of 1969 in the Senate was a master stroke on your part which is worthy of the highest commendation from educators throughout the country. The amendment provides a logical and practical solution to a major crisis in education, and undoubtedly will have widespread support.

Unquestionably the disadvantaged youngsters in the Chicago public schools need much more help than they are presently receiving and S. 2625 would help to provide it. We could really utilize more than the 30% "add-on" for fiscal year 1970, but this is a great step in the right direction.

You were wise to specify that the funds were to be restricted to the elementary grades since this is the level at which it will do the most good. If the educational assistance is not provided to the disadvantaged at an early age, no later help can make up for the lost years. Concentration of the additional funds in the schools having the greatest need is also a very sound policy which has been proven over the past several years in the regular ESEA Title I programs in our city.

Your amendment appears to be extremely well thought out and its passage should do much for children in the urban and rural disadvantaged areas. You may be certain that it has the complete support of the Chicago public schools, and that we will extend every effort to assist in obtaining approval by Congress.

With every best wish for the early passage of S. 2625.

Sincerely,

JAMES F. REDMOND,
General Superintendent of Schools.

THE SCHOOL DISTRICT OF PHILADELPHIA,
Philadelphia, Pa., August 26, 1969.

Hon. GEORGE MURPHY,
U.S. Senate,
Committee on Armed Services,
Washington, D.C.

DEAR SENATOR MURPHY: After having carefully reviewed the Urban and Rural Education Act of 1969, I am quite excited about its possibilities. This infusion of new money will provide the impetus for the development of new concepts to solve the problems now facing us in the inner city.

I am particularly heartened by the fact that you have placed major emphasis for the expenditure of funds in the elementary years. The School District of Philadelphia, in adopting its goals and priorities, has decided to concentrate its new thrusts in the early years thus paralleling the intent of this legislation.

In order to develop new strategies for solving the problems of the inner city school district such as ours we must have large infusion of new money from the Federal Government. This Act is indeed a significant start in providing this funding and affording us the opportunity to overcome the educational handicaps faced by so many of our children.

Sincerely,

MARK R. SHEDD,
Superintendent.

PITTSBURGH PUBLIC SCHOOLS,
Pittsburgh, Pa., August 13, 1969.

Hon. GEORGE MURPHY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MURPHY: I am pleased to give full support to the concept of your Urban and Rural Education Bill (S. 2625) which amends Title I of the Elementary and Secondary Education Act. The additional monies planned for this bill would provide some relief to the desperate financial straits confronting urban school districts as they seek to compensate for the education deficiencies of disadvantaged children.

The ESEA program does not currently provide sufficient funds to meet the needs of disadvantaged children. Pittsburgh and other urban districts have had reductions in appropriations per pupil because of the increase in AFDC children reported nationwide. The additional $200 million requested will help to overcome this deficiency.

Sincerely,

LOUIS J. KISHKUNAS.

THE COMMONWEALTH OF MASSACHUSETTS, DEPARTMENT OF EDUCATION,
Boston, August 8, 1969.

Hon. GEORGE MURPHY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MURPHY: First of all, let me commend you for past expressions of concern for the disadvantaged youth of this nation. The measure proposed by you to amend Title I of the Elementary and Secondary Act of 1965 is a proper reflection of that concern.

As for my comments on the proposed legislation, let me say that I, along with many of my cohorts, have been pressing for additional funds in this area for years in an attempt to salvage the minds and spirits of many of our youths. We have pointed out, as you have, that if we cannot guarantee true equality of educational opportunity, then our accomplishments, however many or varied they may be, mean little.

And the battle to save the minds and spirits of a good portion of tomorrow's citizens will be fought in the cities and rural areas, areas recognized by you as crucial to success if the American dream of true equality is ever to be achieved.

Again, I salute you and join with you and others seeking to remedy deficiencies in our educational and social structure. Your measure, a refinement and improvement of present legislation, will be welcomed by legislators, I am sure, and hosts of children, the eventual beneficiaries of your concern.

Sincerely,

NEIL V. SULLIVAN,
Commissioner of Education.

BOSTON PUBLIC SCHOOLS, OFFICE OF THE SUPERINTENDENT,
Boston, Mass., August 18, 1969.

Hon. GEORGE MURPHY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MURPHY: I thank you for your recent letter enclosing a copy of your statement and the text of your introduction of the Urban and Rural Education Act of 1969.

The enactment of this legislation would provide much needed additional funds to the large urban centers of this nation. In my testimony before the House Education and Labor Committee concerning the extension of the Elementary and Secondary Education Act, I made a plea not only for the extension of this act, but also for a dramatic increase in the funding thereof, so that we in the urban areas might have the financial ability to meet all of our pressing needs.

The thirty and forty percent add-on features of your bill would provide a significant increase in funding and thereby aid immeasurably in the education of the disadvantaged.

Very truly yours,

WILLIAM H. OHRENBERGER,
Superintendent of Public Schools.

COLUMBUS PUBLIC SCHOOLS,
Columbus, Ohio, August 18, 1969.

The Hon. GEORGE MURPHY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MURPHY: Thank you for your thoughtfulness in sending me a copy of the bill you recently introduced in Congress.

This Urban and Rural Education Act of 1969 has been studied and read very carefully by members of our professional staff. As we understand it, this bill would amend Title I of the Elementary and Secondary Act of 1965 and proposes to provide substantial increases in funds for certain qualified large cities to meet the educational needs of disadvantaged pupils in the elementary schools.

This additional money would be available to the local education agency without precondition; therefore, we have assumed that it would be possible to develop facilities needed for the approved programs. This bill as you have presented it seems logical and justifiable in terms of the intensified need that can easily be identified in large cities as well as certain rural sections of our great nation.

I would certainly hope that this bill would meet with favor and success in Congress.

Sincerely yours,

HAROLD H. EIBLING,
Superintendent of Schools.

BOARD OF EDUCATION, MEMPHIS CITY SCHOOLS,
Memphis, Tenn., August 27, 1969.

Hon. GEORGE MURPHY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MURPHY: Thank you very much for your letter of August 7 in which you solicited my comments relative to your Urban and Rural Education Bill. I have reviewed your Bill and I think it has a great deal of merit. The large cities of our nation are in trouble and will remain in trouble until responsible people do something about it.

We are satisfied with Title I of the Elementary and Secondary Education Act as structured. If it were fully funded at the authorized level—$2.3 billion—urban and rural school systems could make significant gains. Due to limited funding, we are forced to serve a limited number of educationally disadvantaged youth in a limited number of qualified schools.

As you know H.R. 13111, the HEW Appropriation Bill, was passed by the House by a substantial majority. We urge your support of full funding when it reaches the Senate floor. Once full funding is accomplished, your proposed Bill should be enacted and fully funded to provide additional education funds.

Sincerely,

E. C. STIMBERT,
Superintendent.

BOARD OF EDUCATION,
Buffalo, N.Y., August 18, 1969.

Hon. GEORGE MURPHY,
U.S. Senate,
Committee on Armed Services,
Washington, D.C.

DEAR SENATOR MURPHY: I appreciate being sent a copy of your remarks in the Congressional Record of July 15, on which date you introduced S. 2625, Urban and Rural Education Act of 1969. As superintendent of schools in Buffalo, charged with the responsibility of educating more than 70,000 pupils, over one-third of whom are characterized as disadvantaged, I am particularly pleased at the opportunity to comment on this subject.

It can be stated with stark simplicity that the crisis in urban education is the most important domestic problem facing the nation. The history and nature of this problem were carefully and comprehensively reviewed in your remarks upon introducing S. 2625.

In much the same way, I have attempted in previous statements to describe the urban situation. Essentially, the process has been one of an immigration of a needy population combined with an outmigration of the necessary human and fiscal resources. The result in cities such as Buffalo has been one of greater needs but lesser resources.

The educational result has been a concentration in the largest cities of disadvantaged children who start school with a handicap which, without compensatory programs and other assistance, widens during the school year, discouraging educational advancement and encouraging dropping out of school. Inevitably, this process reinforces the cycle of social and educational ineptitude.

We have viewed Title I of the Elementary Secondary Education Act as an attempt to break the cycle of disadvantagement. This legislation is a direct attack on the problem and, were it not consistently underfunded, it would represent a massive assault.

I feel that S. 2625 may be seen in the same light. It aims to restore equalization of educational opportunity, whereas growing inequality has become the unfortunate reality. In doing this, it does not just add funds to ESEA Title I, but prescribes these funds for use at elementary grade levels in districts experiencing greatest educational disadvantagement. Thus, it focuses its attack and makes more efficient use of limited funds.

Your bill merits support. It is a move in the direction of ameliorating the nation's most pressing domestic problem. Important as it is to create such imaginative legislative solutions, however, it is equally important to avoid the false economy of underfunding these solutions through inadequate appropriations. I would urge support of both the authorization and the full appropriation to accomplish the task.

Yours sincerely,

JOSEPH MANCH,
Superintendent of Schools.

MINNEAPOLIS PUBLIC SCHOOLS,
Minneapolis, Minn., September 11, 1969.

Senator GEORGE MURPHY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MURPHY: We appreciate the opportunity you have afforded many public schools educators to review the proposed bill S. 2625, "Introduction of the Urban and Rural Education Act of 1969." Unfortunately, we have not been able to gather all the documents and necessary data referred to in S. 2625, and this prevents our complete understanding of the bill at this time. Based on the incomplete information we do have, however, the bill appears to be somewhat helpful to Minneapolis.

We appreciate your interest in our school system and thank you for the copy of your letter introducing S. 2625. Mr. Donald Bevis, our Assistant Superintendent for Research, Development and Federal Programs, will be in Washington next week, and I have asked him to secure further information regarding this measure.

Sincerely,

JOHN B. DAVIS, Jr.,
Superintendent of Schools.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 1, Public Law 86–420, the Speaker had appointed Mr. NIX, chairman, Mr. WRIGHT, Mr. JOHNSON of California, Mr. GONZALEZ, Mr. DE LA GARZA, Mr. FRASER, Mr. SYMINGTON, Mr. BUSH, Mr. STEIGER of Arizona, Mr. LLOYD, Mr. THOMSON of Wisconsin, and Mr. WIGGINS as members of the U.S. delegation of the Mexico-United States Interparliamentary Group, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 1, Public Law 689, 84th Congress, as amended, the Speaker had appointed Mr. HAYS, chairman, Mr. RODINO, Mr. RIVERS, Mr. CLARK, Mr. BROOKS, Mr. ARENDS, Mr. FINDLEY, Mr. QUIE, and Mr. DEVINE as members of the U.S. group of the North Atlantic Assembly, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 1, Public Law 86–42, the Speaker had appointed Mr. GALLAGHER, chairman, Mr. JOHNSON of California, Mr. ST GERMAIN, Mr. RANDALL, Mr. MORGAN, Mr. KYROS, Mr. STRATTON, Mr. ANDREWS of North Dakota, Mr. STAFFORD, Mr. BROOMFIELD, Mr. LANGEN, and Mr. MAILLIARD as members of the U.S. delegation of the Canada-United States Interparliamentary Group, on the part of the House.

ENROLLED BILLS SIGNED

The message announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 55. An act for the relief of Leonard N. Rogers, John P. Corcoran, Mrs. Charles W. (Ethel) Pensinger, Marion M. Lee, and Arthur N. Lee;

S. 1678. An act for the relief of Robert C. Szabo;

S. 2566. An act for the relief of Jimmie R. Pope; and

H.R. 14789. An act to amend title VIII of the Foreign Service Act of 1946, as amended, relating to the Foreign Service retirement and disability system, and for other purposes.

DWIGHT SPRACHER

Mr. MAGNUSON. Mr. President, the citizens of the State of Washington recently lost a great friend. Dwight Spracher was recognized from border to border as a Democrat. He served my party faithfully and diligently as a State chairman. But more important, Dwight Spracher was known by Democrats and Republicans alike as a friend and a man of optimism and kindness in the face of any odds.

Mr. President, a recent editorial in the Washington Teamster newspaper sums up the character and quality of this man. I ask unanimous consent that the editorial be inserted in the RECORD at this point.

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

DWIGHT SPRACHER

Sooner than we care to think, the word "class" when used to describe a man of great quality, is going to be driven to King Trite's tomb. Before this dreadful thing happens, we would like to apply the word to the late Dwight Spracher.

Dwight was definitely a class guy in everything he did in this life. He had class in triumph, class in defeat. He was a man of his word.

Dwight Spracher was a fine state chairman of the Democratic Party and he tried his very best to blow some life into the organization. He was a successful businessman, the state spokesman for the Theatre Owner Association, a skilled lobbyist for his industry, and a dedicated doer for charity—especially the kids. His singlehanded efforts in reviving the Variety Club to a position of merit in Seattle was a triumph of majestic proportions.

None of this could be achieved without class in the individual. Dwight Spracher had it, and we are truly sorry he is gone. There are not enough of his kind left.

SENATOR CANNON'S CONTRIBUTIONS ON BEHALF OF AIR TRANSPORTATION

Mr. MAGNUSON. Mr. President, I was recently pleased to read in a January edi-

tion of the Nevada State Journal of Reno an interesting article relating to the difficulties of the people of Nevada in sustaining reliable air transportation service to several cities.

As many of my colleagues, particularly from the West, are well aware, we are faced with increasing difficulties in relation to adequate air service in small communities in that some air carriers are significantly reducing scheduled service and, in some cases, abandoning it.

Therefore, I am pleased to note in this particular instance affecting several small communities in Nevada, my friend, the Senator from Nevada has been instrumental in seeking an alternative to inadequate service. As you know, Senator CANNON, the distinguished vice chairman of the Senate Aviation Subcommittee, is a tireless worker in seeking to provide the citizens of the United States the best and most complete air transportation system. No one in the Senate has done more in trying to meet the problems of our growing air transportation system than my able colleague. While we in the Senate are aware of his work and achievements in this important field, I am gratified in that he has recently received recognition in his own State for his outstanding efforts on behalf of our air transportation system.

At this point I ask unanimous consent to have printed in the RECORD the editorial about which I speak, citing Senator CANNON for his significant contributions.

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

SENATOR MAKES A SCORE IN AIR SERVICE MATTER

The Eastern Nevada cities of Elko and Ely saw the end to a long period of anxiety over the fate of their air service when it was announced Friday that Frontier Air Lines has been approved by the Civil Aeronautics Board (CAB) to land at the two communities.

The action actually taken by the CAB was to sanction an agreement made between United Air Lines and Frontier for the latter to take over operation of a Salt Lake-to-San Francisco-and-return schedule, which has Ely and Elko stops.

The route had been flown for many years by United, but that airline is down to three propeller-driven planes. They are on their last legs and United isn't going to acquire any more. Instead it had been searching for a smaller airline with smaller planes than United's big jets to whom it could lease the route. Frontier eventually became that route.

The run includes a stop at Reno, too, so this city also gains something from the fact Frontier is now going to extend its operations to the Pacific Coast. Frontier, a large regional airline, gains by getting its airplanes into the San Francisco airport. United, undoubtedly heaving a sigh of relief, gains by not having to fight for discontinuance of the schedule because it is running out of equipment which can land at Elko and Ely.

Air travelers of Nevada and many wanting to fly to Nevada, will be pleased because Frontier will fly turboprop planes which are reportedly "just right" for operations into and out of Ely and Elko.

That all adds up to six entities who are happy with the United-Frontier agreement and the CAB's approval of it—the two airlines, the three cities and John Q. Public.

Basking in this rosy circumstance right now is Sen. Howard Cannon of Nevada, who must run for re-election this year.

It was Sen. Cannon who jumped into the fray and worked hard to assure Elko and Ely their air service would be continued. He not only got that assurance but, considering the usual snail's pace of government in such matters, got the agreement to and through the CAB with almost lightning speed.

It was a coup, and a deserving one, for the junior senator, who really isn't very "junior" any longer, having served in the upper house for 11 years compared to Sen. Alan Bible's 15 years.

Cannon can naturally be expected to cite the Frontier-United agreement in the forthcoming campaign as a reason why he should be re-elected.

He can point to it in his favor on two counts, one that it demonstrates his ability to get things done for his state and a second that it tends to prove what the incumbent always maintains: That seniority in Congress means power.

Sen. Cannon does have ability as a lawmaker—a great deal more than he is sometimes given credit for. And as for the importance of seniority, one doesn't have to express an opinion, he merely has to look at the record.

Take the current case of seeking continuance for Ely-Elko air service. It just isn't reasonable to expect that it would have been resolved so expeditiously had Sen. Cannon not been a member of the Aeronautical and Space Committee of the Senate and, even more significant in the present instance, a member of the aviation subcommittee of the Senate Commerce Committee.

Such assignments rarely come to him who has just been elected, no matter how competent, and no matter whether his politics coincides with that of the administration in power.

POWERPLANTS AND THE ENVIRONMENT

Mr. MAGNUSON. Mr. President, in the new wave of concern over the impact of industrial technology on the environment, no single threat to the environment raises more fears than the siting of powerplants on the shores of scenic lakes or rivers. There are of course sound grounds for concern. Fossil fuel plants, as well as nuclear plants, if inadequately planned, designed, and operated, can degrade the ecology of their environment—the currently fashionable term for describing the capacity of a powerplant for "fouling its nest."

But technology, including power generation technology, poses not only environmental risks but environmental opportunities as well.

In an excellent article by Richard M. Klein, reprinted by the Washington Post from Natural History, the magazine of the American Museum of Natural History, the author after detailing the very substantial risks attendant upon powerplant siting challenges us to find ways of making creative, productive, nonpolluting use of the byproducts of power generation. He said:

Heat from an atomic reactor is available in tremendous supply. If it is used instead of wasted, several related problems could be solved. We need jobs for agriculturally trained, but underemployed, people; we need new taxable industry; we need a clean lake, and we need intelligent land use.

Mr. Klein focuses upon the Champlain Valley of Vermont, but what he has to say has application throughout the country wherever energy generation is taking place. I know that the farmers of my own State described to me the enormous benefits of productivity which can flow from the harnessing of waste heat from the nuclear facilities at Hanford, Wash.

Mr. Klein continues:

The Champlain Valley is good farmland, but the growing season is so short that production of truck crops for the big city markets is impractical. Cantaloupes, for instance, produce a crop only occasionally—a risky business, indeed. Suppose that the waste cooling water were piped away from the reactor and used to heat large greenhouses that could produce tomatoes, melons, cucumbers and other crops in the winter? Thermal heat exchangers could produce air-conditioned areas during the summer to permit mushroom cultivation.

Not only could the power companies sell a waste product pollutant at a profit, but they could sell electricity to light the green houses. These are not just pipe dreams; Iceland has been using thermal spring water for many years for precisely these purposes. as well as for heating homes in Reykjavik. Stockholm has placed an atomic energy plant within the city limits and uses the cooling water for home and office heating.

Rough calculations by a nonengineer (me) have indicated that even a modestly sized plant can produce enough waste heat to make a portion of the Champlain Valley into an artificial subtropical paradise. Still a land of milk and honey—plus tomatoes, mangoes and jobs. Might we not also have girls in grass skirts undulating beneath banana trees?

Mr. President, I ask unanimous consent that the full text of the article by Mr. Klein "Vermont Would Like Bananas—But No Fog," be reprinted at the close of my remarks.

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

[From the Washington Post, Jan. 25, 1970]

VERMONT WOULD LIKE BANANAS—BUT NO FOG

(By Richard M. Klein)

(Note.—The following is excerpted by permission from Natural History, magazine of the American Museum of Natural History.)

Vermont is not a wealthy state. Industry produces the largest share of state income, tourism is second and agriculture third. It requires automation plus 40 to 70 head of cattle to make a go of the family farm, and the number of farms is decreasing each year.

In the northeastern part of the state, the "northeast kingdom," where the true Vermonter traces his ancestry back at least five generations, some residents live close to the subsistence level; jacking of deer provides table meat. Even in the larger cities, underemployment is not uncommon.

Vermont cities are not large by California or New York standards, but some, like Burlington, are seeing the development of middle-class suburbs whose residents, mostly "instant Vermonters," are putting increasing pressures on roads, sanitary facilities, public services and, overwhelmingly, on schools. These demands on available funds can, lacking an industrial base, be relieved only by pushing up property taxes and, as was recently done, by imposing a greatly resented sales tax.

New sources of income must be found and tapped. The most obvious of these would be to bring in new industry sufficient to employ those who leave the farms and to provide a new tax base; and the second, to use the land more extensively and better exploit its natural beauty by attracting people who

can build summer and, eventually, permanent homes.

Despite the church mouse condition of the state treasury, Vermont is a geographic area rich in natural beauty. Its valleys are bucolic remnants of the mid-19th century; the Green Mountains are soft, and, in contrast with the Rockies or the Alps, are "take-in-able." International Business Machines recognized this a few years ago when it decided to open a facility in the Burlington area, thus enabling its employees to find homes in a region unexcelled for those features that were cover paintings in the now-defunct Saturday Evening Post.

Running parallel to the mountains for almost 130 miles and forming much of our western border is Lake Champlain, where one can still see far down into the clear depths to observe and catch bass, walleyes, perch and northern pike. There is a deep and abiding love for this environment, and it is doubtful whether most residents would knowingly despoil the land or the water. Yet good intentions are inadequate safeguards, and it is instructive to examine more closely the problems inherent in reaching goals dictated by economic necessity.

A POWER PROBLEM

For industry to be attracted, it must be assured of an intelligent work force, land, good and abundant water, easily reached markets and adequate power. In our modern transport-oriented society, sources of raw materials need not be a major problem; pipelines could bring crude oil from deepwater ports to refineries on the shores of Lake Champlain or even on top of Mt. Mansfield.

This is an extreme, yet there are residents who would be reluctant but complacent boosters for heavy, pollutant-producing industry—"My taxes would drop and it wouldn't be in *my* backyard."

Logically, the industrial ideal would be clean, nonpolluting, skilled fabrications, but this requires power. Vermont, singularly blessed with many attributes, has few potential hydroelectric sites, there is no native coal and present power consumption in the Northeast is so great (remember the November, 1965, blackout?) that the addition of more industrial consumers of power would overwhelm present facilities.

Burlington just obtained voter approval for an oil-fired turbine to serve as a backstop for its municipally owned coal-burning generator. Incidentally, the city fathers in all their wisdom will site the new plant in an existing building directly on the lakefront where there are only two beaches for the whole area, both inadequate and one now closed because of sewage pollution.

As Sen. George Aiken has pointed out, the answer to our power bind is atomic energy. Recognizing the profit inherent in serving new industry, a consortium of private power companies has already started construction of one plant on the Connecticut River near the village of Vernon, and this plant, plus contemplated or completed units throughout the country, must serve as a model for a Lake Champlain plant, which may eventually be built at or near the town of Charlotte, just south of Burlington in Addison County.

Assuming, for a moment, that another atomic energy plant is inevitable, it is obvious that it is the task of aroused citizenry and concerned scientists to direct their efforts toward setting realistic limits on the design and operation of such a plant. Articles in many publications have detailed potential health dangers and environmental insults that accompany the operation of any nuclear plant. Others have shown that the Atomic Energy Commission is, like many other major federal agencies, capable of dissembling when it is useful to do so.

As several sympathetic opponents have said, it is most difficult for the same agency to be directed by law both to promote the use of the atom and, at the same time, to regulate its use. Here lies schizophrenia with a touch of defensive paranoia, and the Atomic Energy Commission is exhibiting symptoms of both these mental diseases.

ONE PLANT SCOTCHED

Like the Pentagon, the AEC has scarcely been questioned for close to 20 years, and in this period of time it has consolidated an extensive power base. Yet in only three years, there has been a series of blows to its hegemony.

One hard blow was delivered by a new activist group formed in upper New York State and centered about Cornell University. Briefly, the AEC and several power groups decided to construct a fairly large plant on Lake Cayuga. The boiling-water reactor was to be over 800 megawatts in capacity and, like other plants, it was to follow a design established by the AEC with safeguards and performance standards set by the AEC, and with supplementary funds provided by the AEC.

Prof. David D. Comey and his colleagues presented—in public hearings and in two excellent publications—a serious study of the inherent and unpublicized dangers of such a plant, and finally got the AEC to withdraw its approval pending restudy. More recently, the Minnesota legislature insisted that the state can set more stringent and restrictive pollution standards than those of the AEC, a position the commission finds, at best, uncomfortable and, at worst, unbearable.

With perhaps a less firm professional base, a group of citizens from Vermont and New York have formed a Lake Champlain Committee dedicated "to eliminate water pollution from all sources . . . and to conserve the natural resources and scenic beauty of the Champlain Valley." The Vermont-New York Committee promoted and obtained passage of landmark legislation in both states to provide that smaller administrative units (like Charlotte) cannot be pressured into an environmental blunder.

The temptation for a town can be strong: the tax intake in a town that has an atomic energy plant would vastly increase, while its tax rate could be substantially reduced. Citizens can picture new parks, new swimming pools, new municipal buildings, new schools and, of course, higher property values.

THE BIG TREATMENT

Sen. Aiken and Gov. Deane C. Davis arranged for the AEC to set up a public meeting at the University of Vermont. There, many of its big guns spoke on the safety, necessity and value of atomic energy plants in general and for Vermont in particular.

The federal armamentarium included a Nobel laureate, other members of the commission, section chiefs and a diverse sprinkling of scientific talent from the Oak Ridge National Laboratory. An expensive exhibit was brought up from Washington, miniskirted usherettes with white blazers lettered "AEC" were much in evidence and the rostrum was graced with the AEC seal as well as those of the state and the university. Vermont, population about 400,000, was to get the "big" treatment.

Morning seminars given by AEC scientists were standing room only, and as a university teacher I was delighted with the educational experiences that my students got. The presentations were, to be charitable, below the standards that we set for student seminars; expected information was not forthcoming, and many in attendance got the impression that we were boondocks residents to be patronized.

The formal afternoon presentations were held in the university gymnasium and attended by the academic community as well as by the general public. Remember, please, that town meetings are part of our way of life. The AEC was clearly running scared and the soothing speeches of commission members and their scientists were closely followed by the audience.

After the AEC had two-thirds of the program, a panel of four "environmentalists" joined the commissioners for a session of screened audience questions. It was at this point that the AEC's careful plan went awry, for the questions were sharp and to the point (remember the town meeting syndrome), and the sympathy of the audience began to shift away from the official line and toward the Vermont tradition of believing what makes "good sense."

This was the first time that the AEC had mounted a massive public meeting, and one of the few times that variant opinion was allowed to share the same platform. Certainly the commissioners were talking to the nation here, not just to Vermont, and certainly they were defensive and a bit apprehensive.

Gov. Davis received prolonged applause when he concluded the afternoon's session with a firm statement that "the right to increase safeguards should be reserved to the state." Vermont has now submitted a friend-of-the-court brief in Minnesota's suit—a development not planned by the AEC.

ANOTHER STRIKEOUT

In October, the Vermont Yankee Nuclear Power Corp. teamed up with the AEC for a two-day public meeting with the citizens of Brattleboro, near the site of the nuclear power plant under construction on the Connecticut River. High school and college students as well as local citizens attempted to get some firm information to allay their fears about this plant but, regrettably, heard only sophistries and "facts" that are questioned by many ecologists. Again, the AEC struck out.

At about the same time, a committee of the state legislative council met to draft new laws on energy and power. Vermont Yankee officials succeeded in watering down the strong recommendations to the legislature. There was, they said, no quarrel with the need to protect the environment, but power needs had to be paramount.

Nongovernmental scientific opinion suggests that standards of maximum allowable exposure to radiation should be reduced, which would be technically possible with appropriate changes in plant design. More stringent standards will undoubtedly increase the construction cost of a generating plant by dollar amounts that are huge at first glance. What is not pointed out, however, is that when the excess costs are amortized over plant life, the additional expense will add only a small fraction to the cost of each kilowatt hour generated and sold.

Thermal pollution is, however, another matter. Consequences of pouring millions of gallons of heated water into any body of water are still not completely known; but to assume that because we don't know the consequences we can move right in is ecologically dangerous and scientifically indefensible.

A 500-kilowatt reactor cooled by lake or river water must pump 5,600 gallons of cooling water per second. As the AEC reluctantly admits, there will be alterations in the biological and physical nature of a relatively slow-moving lake like Champlain and there will undoubtedly be changes in the surrounding countryside as well.

Northern Vermont is very cold in the winter, and it is a rare year that Lake Champlain doesn't freeze over. Warmed up, it may not freeze over completely. As cold air, borne by the prevailing westerlies, comes whistling down from the Adirondacks and crosses a stretch of open water, it will pick up sufficient moisture to produce severe fog and sleet. Addison County, self-styled "land of milk and honey" (which in fact it is), may spent six months as an inland equivalent of the Outer Banks.

Of course, if sufficiently pressed, the designers can include cooling towers or recycle

their cooling water as a car radiator does. These changes would cost up to $6 million, but in terms of total outlay they are not economically impractical. It certainly will help preserve the lake, but it will provide the makings of fog not only during the winter—if the towers can, indeed, work in the 20-below weather—but in the summer as well. And if cooling towers do not handle all the water needed for the plant, do we go back to the lake?

IMAGINE A GREENHOUSE

A bit of imagination, apparently lacking in the AEC as it is conspicuously lacking in the Corps of Engineers, might just result in better solutions than the standard hot-water-into-the-lake concept, or even cooling towers. One alternative to the cooling tower is the construction of a cooling pond, which would have the advantage of permitting location of the generating plant away from the lake entirely. This would require about 1,500 acres of surface water, and if land prices were reasonable and construction costs low, the added charge would be about $1.50 per kilowatt hour, a cost competitive with cooling towers.

It seems to me, however, that we can do more with pollution problems by making them pay off economically than by wringing our hands or letting massive federal bureaus write off an environment in their pursuit of power. Philadelphia is now packaging its trash, putting it into empty coal cars and then shipping the material back to the strip mines as land fill. The city saves $1.5 million a year by avoiding incineration, and the Reading Railroad makes money as well.

Heat from an atomic reactor is available in tremendous supply. If it is used instead of wasted, several related problems could be solved. We need jobs for agriculturally trained, but underemployed, people; we need new taxable industry; we need a clean lake, and we need intelligent land use.

The Champlain Valley is good farmland, but the growing season is so short that production of truck crops for the big city markets is impractical. Cantaloupes, for instance, produce a crop only occasionally—a risky business, indeed. Suppose that the waste cooling water were piped away from the reactor and used to heat large greenhouses that could produce tomatoes, melons, cucumbers and other crops in the winter? Thermal heat exchangers could produce air-conditioned areas during the summer to permit mushroom cultivation.

Not only could the power companies sell a waste product pollutant at a profit, but they could sell electricity to light the greenhouses. These are not just pipe dreams; Iceland has been using thermal spring water for many years for precisely these purposes, as well as for heating homes in Reykjavik. Stockholm has placed an atomic energy plant within the city limits and uses the cooling water for home and office heating.

Rough calculations by a nonengineer (me) have indicated that even a modestly sized plant can produce enough waste heat to make a portion of the Champlain Valley into an artificial subtropical paradise. Still a land of milk and honey—plus tomatoes, mangoes and jobs. Might we not also have girls in grass skirts undulating beneath banana trees?

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

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

The PRESIDING OFFICER. On whose time?

Mr. JAVITS. Mr. President, I ask unanimous consent that the time for the quorum call be charged to neither side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MONDALE. 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. MONDALE. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside.

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

SENATE RESOLUTION 359—TO CREATE A SELECT COMMITTEE ON EQUAL EDUCATION OPPORTUNITY

Mr. MONDALE. I send to the desk a Senate resolution in language identical to that of the amendment just temporarily laid aside, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk proceeded to read the resolution.

Mr. MONDALE. I ask unanimous consent that further reading of the resolution be dispensed with.

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

Mr. MONDALE's resolution (S. Res. 359) is as follows:

S. RES. 359

Whereas the policy of the United States to assure every child, regardless of race, color, or national origin, an equal opportunity for a quality education has not been fully achieved in any section of the country; therefore be it

Resolved, That (a) there is hereby established a select committee of the Senate (to be known as the Select Committee on Equal Educational Opportunity) composed of three majority and two minority members of the Committee on Labor and Public Welfare, three majority and two minority members of the Committee on the Judiciary, and three majority and two minority Members of the Senate from other committees, to study the effectiveness of existing laws and policies in assuring equality of educational opportunity, including policies of the United States with regard to segregation on the ground of race, color, or national origin, whatever the form of such segregation and whatever the origin or cause of such segregation, and to examine the extent to which policies are applied uniformly in all regions of the United States. Such select committee shall make an interim report to the appropriate committees of the Senate not later than August 1, 1970, and shall make a final report not later than January 31, 1971. Such reports shall contain such recommendations as the committee finds necessary with respect to the rights guaranteed under the Constitution and other laws of the United States, including recommendations with regard to proposed new legislation, relating to segregation on the ground of race, color, or national origin, whatever the origin or cause of such segregation.

(b) For the purposes of this resolution the committee, from the date of enactment of this resolution to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; (3) to subpena witnesses; (4) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government; (5) to contract with private organizational and individual consultants; (6) to interview employees of the Federal, State, and local governments and other individuals; and (7) to take depositions and other testimony.

(c) Expenses of the committee in carrying out its functions shall not exceed $200,000 through January 31, 1971, and shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The PRESIDING OFFICER. Is there objection to its present consideration?

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

Mr. MONDALE. Mr. President, this is a matter which was presented in legislative form and which I am now presenting in resolution form in response to suggestions offered by the Senator from West Virginia (Mr. BYRD). I think we have fully discussed it. It simply results in dealing with this matter in resolution form, rather than in legislative form.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. RUSSELL. What is the pending business before the Senate?

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

Mr. RUSSELL. Mr. President, I do not know of any reason why we should depart from the ordinary rule which provides that this resolution should go over to the day following. I am not opposing the resolution, but I am opposed to deviating from the ordinary practice.

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

Mr. RUSSELL. I yield.

Mr. MONDALE. As I understand the statement of the Senator from Georgia, he wishes this matter to lie over until tomorrow.

Mr. MANSFIELD. In the normal manner.

Mr. MONDALE. Will the distinguished majority leader indicate in what order this resolution could be called up?

Mr. MANSFIELD. I would be delighted to call it up during the morning hour tomorrow.

Mr. RUSSELL. I have no objection to that. I simply do not like to establish a practice of offering resolutions and passing them just as offered. I think the resolution should be printed, so that other Senators may have an opportunity to read it. I do not anticipate any objection; but that is the general practice, and I think it is a better one.

Mr. MONDALE. I have no objection.

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

offered by the Senator from Minnesota lie on the table until tomorrow.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered. The resolution will be received and printed, and will lie on the table.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

AMENDMENT NO. 492

Mr. ERVIN. Mr. President, I call up my amendment No. 492, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The BILL CLERK. The Senator from North Carolina (Mr. ERVIN), for himself and other Senators, proposes an amendment (No. 492) as follows:

Add at the end thereof an additional title and section appropriately numbered and reading as follows:

"No court, department, agency, officer, or employee of the United States shall have jurisdiction or power to require any State or local public school board or any other State or local agency empowered to assign children to public schools to transport any child from one place to another place, or from one school to another school, or from one school district to another school district to alter the racial composition of the student body at any public school."

Mr. ERVIN. Mr. President, I yield myself such time as I may require.

This amendment is merely designed to prohibit the compulsory busing of children to alter the racial composition of the student body of a school.

We have had in North Carolina a great many court orders and a great deal of compulsory busing, coerced by threats of the Department of Health, Education, and Welfare, to withhold funds from schools unless they bus children from one place to another, merely to alter the racial composition of student bodies of the school in the student's neighborhood or of the school into which he is bused. I have received probably 8,000 or 10,000 letters from my constituents, protesting this kind of treatment for their children.

About 10 days ago, I had a telephone conversation with Mr. John Ladd, of Charlotte, N.C. In that city the courts had entered an order requiring the busing of at least 6,000 black children from their residential areas across the city into other areas, sometimes clear across the county, and also requiring the busing of 6,000 white children from their home districts into other areas of the city and the county.

In his telephone conversation, Mr. John Ladd told me the following story, which is illustrative of hundreds, yes, thousands of cases that are occurring in my State and throughout the South.

Mr. Ladd said that he and his wife and their children had moved to Charlotte from Statesville, N.C., several months ago and they had spent 4 months looking for a home which they were financially able to purchase near a school; and, at long last, they had found that home. After moving into their new home and enrolling their little girl in the neighborhood school, the court order comes down, requiring that their little fifth grade daughter be bused from the school located two blocks from their home virtually across the county of Mecklenburg, and that as a result, she would have to spend from 2 to 2½ hours every day riding on a school bus.

Then I have this letter from Mrs. K. J. Whitmore, of Norlina, N.C. She says:

Please read this before you throw it away, and also the clipping that was in the paper. It seems that Judge Butler doesn't care about us, so I'm writing you for help. I live across the street from the school house, and I have to send my children 10 miles to a Negro school. Will you please tell me what is fair about that? Be sure to check the ratio. And tell me where the freedom of choice plan is. It is a disgusted site to see 3 or 4 white and 10 times that many Negroes all piled up in one class room. The lunch rooms are so filled they can't eat or enjoy their lunches, and have only a very few minutes to eat, because they are so overcrowded. It seems that no one is interested in the little people. I can't afford a private school for 3 children the rest of their school years. I'm closing with the hope you have taken the time to read this. And give us some thought and some advice that will help us all.

I also have a letter from Mrs. R. Leigh Traylor, Jr., of Norlina, N.C. It reads:

DEAR SENATOR ERVIN: There is much sadness in Warren County today—school began. It is the most unfair law that required children to be hauled from school to school, not for the purpose of an education, but to have integration of the races. We built a new home four years ago, that took our entire savings, and what we could borrow in order that our children would be close to school. They walked two blocks to reach school. This morning they were put on a bus and hauled five and half miles in the country. When I arrived to register my little fifth grade girl in school, I found in her class of 115—seven white children, the remaining 108 were unfamiliar faces of colored children. What would you have done in this situation? The entire school has the ratio of 63 whites to 507 colored. This is the only school our children are allowed to attend in the county. Our son is in the eighth grade in a very similar situation. I continually read where the children are bused to eliminate unbalanced ratio. I think we need some help with this ratio.

I have no objections to sharing the school with colored children, but the Federal Government has taken many situations too far. Each community has to be treated according to what they have to work with, in the same manner as each child learns, and acts different. You don't use the same approach on every child, nor should the same rules and laws apply for every school. If freedom of choice had been allowed, this would not have happened in the same manner. The parents of both races could have sent their children to the school most convenient, and best suited to their needs.

I must say a word in behalf of the colored people in our county. They too are being hauled all over the county with strange teachers and friends. Much of their social life, activities, enthusiasm has been centered around their schools, which will no longer exist. This is a catastrophe—Life is different in a rural community from city life.

In our county, Warren, that needs a boost economically, there has been nothing but a complete setback. Our young people will leave if they can have no freedom of choice to choose their schools they wish to attend and send their children. They are going other places. It will be impossible to attract industry or people.

I realize this letter is too long, but I could go on and on. If you can't help us return to freedom of choice in Warren County, please do all you can to persuade our government to allow people to make their own choices in other counties and states. Don't permit what has happened to our county to happen to any other county or state in the United States. In our county the whites are truly being discriminated against. I wish you could visit our county and see for yourself the plague that is here.

I know you are a very busy man, but thank you for reading this, and please help us have freedom of choice in our schools.

Yours very truly,

MRS. LEIGH TRAYLOR.

President Nixon has declared on numerous occasions that he is against busing for the purpose of altering the racial composition of the public schools. His most recent strong comments against busing came within the last several days.

Also, a great many Members of the Senate have declared their opposition to the busing of little children for racial purposes; and I sincerely trust that this amendment, No. 492, will be adopted and that we will put an end to the compulsory, enforced busing of children, not for the purpose of enlightening their minds but for the purpose of integrating their bodies.

The PRESIDING OFFICER (Mr. MAGNUSON in the chair). Who yields time?

Mr. JAVITS. Mr. President——

Mr. RUSSELL. Regular order, Mr. President.

Mr. JAVITS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is in charge of the time.

Mr. PELL. I yield 10 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, this amendment endeavors to go very, very much further than any amendment we have yet seen, including Senator STENNIS' amendment, because it seeks to bind the courts, and it seeks to bind the courts in respect of restraining unconstitutional action and what measures they may take to restrain it.

I appreciate the letters which the Senator has received from people asking him to give them relief. I might just as well bring in 50, 60, or 70 letters from people who feel that the courts have wronged them in divorce cases, domestic relations cases, civil litigations in which somebody has lost money or has failed to gain money that they wanted. I used to be attorney general of the State of New York, and I read daily dozens and dozens of the most heartrending letters from people who were sentenced for crimes, telling me the injustice, the beastliness, and the brutality of the judges and juries that had functioned in those cases.

Mr. President, I am sure—I say this without any question—that there are cases in which judges have done things they should not have done in terms of an order or decree relating to the desegregation of schools in a given school district. I am sure of that, just as I am sure that there are cases in which justice has been denied in similar cases. These cases have

gone through our courts, to the circuit court of appeals, to the Supreme Court, and some measure of justice has been done—not perfect, I am positive, but some measure of justice.

As I understand it, the parameter of decrees in the individual cases of segregated school districts with which we are now dealing, let us be very clear, is de jure segregation. We are not dealing here with the thicket we got into in respect of the Stennis amendment of racial imbalance or de facto segregation. This is de jure segregation.

The question is, first, whether or not we can constitutionally and, second, whether we should control the courts in the decrees they make in given cases. I respectfully submit that if we get into this, I do not know whether it would be constitutional. I cannot say that, and I will tell the Senate why.

It is a fact that the jurisdiction of the courts is not contained in the Constitution, except for the Supreme Court of the United States. The jurisdiction of all the other Federal courts is conferred by the Judiciary Act of 1789. It may be—I would have to do a great deal of legal research on it—that Congress can take away the jurisdiction of a court and thereby effectively deprive that court of the authority of the act. Of course, if that deprives an individual of a remedy in respect of a constitutional right, the courts may hold that it cannot be done, that it is unconstitutional, that right having vested. But this is a very, very difficult question of law which we can hardly resolve here.

It seems to me on the fundamental policy, we are now going to control the decrees of courts implementing the remedies for illegal acts, which is what is sought here, especially in this extremely difficult field of de jure—I emphasize that de jure—segregation. I should think it would be a most ill-advised move.

Mr. GRIFFIN. Mr. President, will the Senator from New York yield for an observation?

Mr. JAVITS. I yield.

Mr. GRIFFIN. I agree with the Senator from New York that this amendment would apply to de jure segregation but it is not limited to that, as I read it. Does not the Senator agree with me that this would limit the Court's power in any case, including de facto and de jure?

Mr. JAVITS. Absolutely.

Mr. GRIFFIN. Earlier in debate on other amendments, I thought it was unfortunate that such words as "sham" and "fraud" and things of that kind were used, which are inappropriate in Senate debate. I certainly would not use such language; but I would say this, that with the adoption of the so-called Stennis amendment, it seems to me the word has gone out to the Nation that the Senate wants to take action with respect to both de facto and de jure segregation, and presumably there is going to be a very interesting movement in that direction; but the next amendment that comes along is designed to take away the power of the Court to provide a remedy.

I know that the Senator from North Carolina will say that this statement is too sweeping because there is the remedy of freedom of choice. That is the only one he leaves. Unfortunately, and I say unfortunately because I do not know whether I agree with the Supreme Court in the Green case, but the Supreme Court in the Green case did say that freedom of choice, in some circumstances, is not an adequate remedy to satisfy the requirements of the Constitution.

This amendment would take away from the courts not only the power to require the transport by busing of students but also their assignment, regardless of how a student would get to school. He might walk. He might not use a bus at all. This amendment relates to his assignment, as I understand it.

Mr. ERVIN. No, no.

Mr. GRIFFIN. It provides that the power to assign children to——

Mr. ERVIN. No, amendment No. 492 applies only to busing. It is an attempt to put into law President Nixon's opposition to the compulsory busing of children.

Mr. GRIFFIN. On lines 6 and 7: "to which students are assigned in conformity with the freedom of choice."

Mr. ERVIN. No, amendment No. 492 applies only to busing. The words "or local agency empowered to assign children to public schools," only describe one of the agencies which would be prevented from busing by my amendment. It does not involve freedom of choice or any other plan. The amendment reads:

AMENDMENT No. 492

No court, department, agency, officer, or employee of the United States shall have jurisdiction or power to require any state or local public school board or any other state or local agency empowered to assign children to public schools to transport any child from one place to another place, or from one school to another school, or from one school district to another school district to alter the racial composition of the student body at any public school.

I purposely limited this amendment to busing because that was the area in which President Nixon expressed the greatest concern, and I felt such a limited amendment would find greater acceptance among the many Senators who have opposed the compulsory busing of students, even though they have supported many civil rights laws.

Mr. GRIFFIN. I see. I appreciate that clarification. Perhaps unconstitutionally, as the Senator from New York says, it would take away the power of the court to provide the very remedies that the Nation believes the Senate is trying to accomplish as a result of the amendment previously adopted.

Mr. JAVITS. Exactly right. May I point out, too, that what the amendment would seek to do is to allow those who have violated the law for years to retain the benefits of that violation without giving the court——

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER (Mr. MAGNUSON in the chair). The Senate will please be in order.

Mr. JAVITS. This amendment which deals with segregation, admittedly unlawful and admittedly contrary to the Constitution, seeks to deprive the courts of the ability to make decrees which relate to unlawful and unconstitutional action. It seems to me that it goes beyond any consideration that we could possibly import to adopting an amendment of this character, without understanding that we would be completely dismantling everything that has been done in this country since 1954 in this field.

Mr. President, I repeat, the critical aspect, the critical balance, and the delicacy with which we must legislate in this field, considering the high emotionalism involved, the Supreme Court has shown great ability to take account of the social situation in the country. It has, on the whole, been very respectful of that.

If we begin to legislate in this way, to curtail and deprive the courts of the means with which to effectuate what, as I say, we must assume is unconstitutional and unlawful action, we would really be guilty of the height of folly.

I really do not believe that this is an amendment which the Senate should consider. I think it would destroy everything that has been done during the past 16 years, so much of which is admitted, even by its bitterest opponents, to have been required because of the injustices which have prevailed for so very long.

I therefore hope very much that the amendment will be rejected.

Mr. PELL. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes.

Mr. PELL. Mr. President, as has been brought out on the floor yesterday, and in past days, none of us is for indiscriminate busing. But, busing used judiciously, in certain circumstances, in both the North and the South, can be of advantage in achieving what we wish, which is a breaking down of the barriers between the races in attending school, particularly when they are massed in areas of urban concentration—really, particularly in the North.

The pending amendment would prohibit the ordering of student transportation by a court, if that order is designed to alter the racial composition of that student body. But a close reading will indicate that no matter what the semantics are, what would be legislated by the amendment, if it were adopted, would be, in effect, the denying of means by which effective action to desegregate a school system could be accomplished.

We have heard a great many arguments as to the need for action to do away with segregation, both de facto and de jure. We have agreed to an amendment, the Stennis amendment, which seeks to bring the same rules into effect in the North and South, taking no account of the difference in the origin or cause of the segregation.

The amendment we have just adopted will not be effective if, at the same time, we hamstring any efforts to move the children back and forth.

The word "hypocrisy" has earlier been thrown around this Chamber. If, on the one hand, we pass an amendment that calls for desegregation, no matter what the causes, and then a few moments or some hours later, adopt an amendment that would prevent one of the most effective ways of achieving it, we ourselves would be guilty of that same charge.

Mr. ERVIN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Sen-

ator from North Carolina is recognized for 5 minutes.

Mr. ERVIN. Mr. President, I am surprised that the Senator from New York (Mr. JAVITS), and the Senator from Michigan (Mr. GRIFFIN), deplore limiting the jurisdiction of the court, because both voted for the Civil Rights Act of 1965 which limited the jurisdiction of the court by closing the courthouse doors in every court in the South.

Also, the Senator from New York was one of the stanch supporters of the Civil Rights Act of 1964 which limits the power of the court to alter busing to achieve a racial balance. I wonder why he did not protest the curtailment of the Federal court's jurisdiction on those occasions?

As a matter of fact, there is no doubt of the constitutionality of this amendment. The only way we can stop the courts, such as the court which ordered the 12,000 children in Charlotte, N.C., to be bused, is to take away that power. That is the only way.

The Constitution of the United States says in the plainest words in the English language, in article III, that the appellate jurisdiction of the Supreme Court is to be regulated by Congress. Of course, the Supreme Court has some original jurisdiction in cases to which a State is a party, and in which ambassadors and ministers and consuls are parties, but there is no other jurisdiction except that given them by Congress.

Mr. President, article III states in plain language that—

> The Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

Now, Mr. President, I would like to read several passages on the subject of Supreme Court jurisdiction from the latest book out on Supreme Court practices. It is entitled "Supreme Court Practices," by Robert Stein and Eugene Gressman.

The book was just published last fall. I purchased it and acquired it on the 30th day of November 1969.

It says on page 22:

> The jurisdiction of the Supreme Court of the United States stems from Article III of the Constitution. Section 1 vests the judicial power of the United States in the Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. Section 2 extends the judicial power so vested to various enumerated cases and controversies, and defines the original jurisdiction of the Supreme Court as covering "all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party." Section 2 then provides that "In all the other Cases before mentioned, the Supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make."
>
> Since 1789 Congress has made a variety of "Exceptions" and "Regulations" governing the Supreme Court's appellate jurisdiction. Such legislation is of controlling importance in determining the nature and scope of this jurisdiction. While Congress cannot extend the jurisdiction beyond the limits set by the Constitution, it can impose restrictions and requirements within the broad constitutional limits. Indeed, so determinative is the Congressional action in this area that all cases not expressly provided for by legislation are deemed to be outside the Court's jurisdiction. *Durousseau* v. *United States*, 6 Cranch 307, 314. Up to now the Court has found no constitutional restriction upon this Congressional power. And, of course, no stipulation of parties or counsel can enlarge or control the jurisdiction of the Court.

Thus, up to now—that was last November—the Court has found no constitutional restriction upon this congressional power.

I have in my hands a list of 31 decisions of the Supreme Court of the United States holding that this provision is perfectly constitutional. I ask unanimous consent that the list of these cases and citations be printed at this point in the RECORD.

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

REGULATION OF JURISDICTION OF THE SUPREME COURT BY CONGRESS—SECTION 236

1. Wilson v. Mason, 1 Cranch. 45, 2 L. ed. 29.
2. United States v. More, 3 Cranch. 159, 2 L. ed. 397.
3. Ex Parte Bollman, 4 Cranch. 75, 2 L. ed. 554.
4. Durousseant v. United States, 6 Cranch. 307, 3 L. ed. 232.
5. United States v. Goodwin, 7 Cranch. 109, 3 L. ed. 284.
6. United States v. Gordon, 7 Cranch. 287, 3 L. ed. 347.
7. United States v. Nourse, 6 Pet. 470, 8 L. ed. 467.
8. Barry v. Mercein, 5 How. 103, 12 L. ed. 70.
9. Forsythe v. United States, 9 How. 571, 13 L. ed. 262.
10. Re Kaine, 14 How. 103, 14 L. ed. 345.
11. Ex Parte Vallandigham, 1 Wall. 243, 17 L. ed. 589.
12. Daniels v. Chicago & R.I. R. Co., 3 Wall. 250, 18 L. ed. 224.
13. Walker v. United States, 4 Wall. 163, 18 L. ed. 319.
14. Edmonson v. Bloomshire, 7 Wall. 306, 19 L. ed. 91.
15. Ex Parte McCardle, 7 Wall. 506, 19 L. ed. 264.
16. Re Yerger, 8 Wall. 85, 19 L. ed. 332.
17. French v. Shoemaker, 12 Wall. 86, 20 L. ed. 270.
18. United States v. Klein, 13 Wall. 128, 20 L. ed. 519.
19. Murdock v. Memphis, 20 Wall. 590, 22 L. ed. 429.
20. Butterfield v. Usher, 91 U.S. 246, 23 L. ed. 318.
21. United States v. Young, 94 U.S. 258, 24 L. ed. 153.
22. United States v. Sanges, 144 U.S. 310, 12 S. Ct. 609, 36 L ed 445.
23. National Exch. Bank v. Peters, 144 U.S. 570, 12 S. Ct. 767, 36 L ed 545.
24. American Const. Co. v. Jacksonville, T. & K. R. Co., 148 U.S. 372, 13 S. Ct. 158, 37 L. ed. 486.
25. United States v. Old Settlers, 148 U.S. 427, 13 S. Ct. 650, 37 L. ed. 509.
26. Colorado Cent. Consol. Min. Co. v. Turck, 150 U.S. 138, 14 S. Ct. 35, 37 L. ed. 1030.
27. Maynard v. Hecht, 151 U.S. 324, 14 S. Ct. 353, 38 L. ed. 504.
28. Chapman v. United States, 164 U.S. 436, 17 S. Ct. 76, 41 L. ed. 504.
29. Gordon v. United States, 117 U.S. 697 Appx., 76 L. ed. 347.
30. Montgomery Bldg. & Constr. Trades Council v. Ledbetter Erection Co., 344 U.S. 178, 73 S. Ct. 196, 97 L. ed. 204.
31. National Mutual Ins. Co. v. Tidewater Transfer Co., 337 U.S. 582, 69 S. Ct. 1173, 93 L. ed. 1556.

Mr. ERVIN. With respect to this matter, the latest book on congressional law on this subject, referring to the lower Federal courts, is by Chester J. Antieau, "Modern Constitutional Law."

I read from page 623 of Volume 2:

> All federal courts, other than the Supreme Court, derive their jurisdiction wholly from the exercise of the authority to "ordain and establish" inferior courts, conferred on Congress by Article III, § 1 of the Constitution. Article III left Congress free to establish inferior federal courts or not as it thought appropriate. It could have declined to create any such courts, leaving suitors to the remedies afforded by state courts, with such appellate review by this Court as Congress might prescribe. The Congressional power to ordain and establish inferior courts includes the power "of investing them with jurisdiction either limited, concurrent, or exclusive, and of withholding jurisdiction from them in the exact degrees and character which to Congress may seem proper for the public good."

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

Mr. ERVIN. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 5 additional minutes.

Mr. ERVIN. Mr. President, the same observations are made in another new book on constitutional law by C. Herman Prichett, "The American Constitution," at page 131, in which it says, in substance, that Congress has an absolute power to define the appellate jurisdiction of the Supreme Court and has the power to define the power of the Federal courts; and it has frequently done so. In all of the trade agreements acts, for example, Congress has denied the courts jurisdiction to entertain suits.

As I pointed out, the distinguished Senator from New York and, I believe, the distinguished Senator from Michigan, both voted for the 1964 civil rights bill which expressly says that the Federal Constitution shall not be construed to give the Federal courts power to order busing to overcome racial imbalance.

There are at least, in addition to the 31 cases I have had printed in the RECORD, probably somewhere in the neighborhood of 100 cases which recognize the power of Congress to limit the jurisdiction of the courts. There is no question about that.

The only way we can stop the judicial tyranny of busing little children for long distances is to limit the jurisdiction of the courts.

A judge in Charlotte, N.C., 10 days ago ordered busing across the county and city of some black children and some white children. To my mind, there is nothing in the Constitution which gives any judge the right to say that this little child will be snatched up, placed on a bus and hauled 5 or 10 miles from his home to integrate his body with the bodies of other children.

If a person thinks Federal judges ought to have power to take little children from their parents and local school boards and bus them to and fro all over the face of the earth in order to mix the races in schools, he ought to vote against amend-

ment 492. But any man who, like me, believes that tyranny on the bench is just as objectionable as tyranny on the throne should vote against compulsory busing.

Amendment No. 492 is the only kind of proposal that would put an end to busing. We have to stop everyone from busing a little child away from his parents, busing him away from his locality, and denying him the right to attend his neighborhood school. President Nixon says he is against this busing of little children and I hope the Senate will support the President's feelings about this matter.

Mr. President, I appeal to all people who believe that we ought to take the little children away from the power of the courts to vote for an amendment which would bring freedom to the American people and their children instead of tyranny. It is the plainest and most constitutional provision that has ever been embodied in any amendment or bill put before Congress.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, as I said when arguing this matter before, probably it is not entirely open and shut, as the Senator from North Carolina would have us believe, that Congress could deprive the courts of jurisdictional power and even deprive them of the ability to prescribe a certain remedy. But I do not think that Congress or the Senate of the United States is going to be wanton about this exercise of power.

I would like to call the attention of the Senate to the fact that the Senator from North Carolina said precisely the same thing that he had to say today about depriving people of freedom and the tyranny of judges when we were debating the civil rights bill of 1964 and every civil rights bill since, without exception.

Surely that is the attitude he takes, and I think he takes it quite sincerely. But that should not rule our action.

The fact is that the law of the land is that it is immoral and against the Constitution to segregate children in respect of Federal schools because of their race or color.

We would try, if this amendment passes, to direct the courts to eliminate a specific remedy for that situation in which the people who were carrying on the practice are wrong. They are not right. They are wrong.

Mr. President, 18 million children in the United States are bused every day. That is about two-fifths of all the children of the United States. Many of these children are bused compulsorily, and I will explain why. There used to be a model of a one-room schoolhouse. We had it in my State. We did not have to go South to see that. And we decided that educationally this was very unwise and that it retarded children and that they did not realize their full educational opportunities.

So, we instituted central schools. That was one of the great reforms in the United States. And many people argued exactly as does the Senator from North Carolina has argued, "We are not going to send our children to a central school. We are not going to put our children on the bus."

They were told, "Your children will be truants, and you will be responsible." And they were.

There are many cases exactly like that because society believed that this was best for the education of the great overwhelming mass of children in the United States. There are parents in this country who do not want to send their children to school. There are parents in this country who want to work their children on the farms at ages 7, 8, 9, and 10. We send those parents to jail, even though they are the parents of children. So, Mr. President, who is kidding whom about this situation? Society does have that authority. The child cannot take care of itself. The child does not know if he is going to be stultified in his education because he is sent to a black school. We have to decide that.

This measure would take away from the court the power to redress a wrong by limiting it and depriving it of the only remedy available. What is the justification? The justification is that some judges have done the unwise or unproper thing. That is what has been argued. None of these cases have gone to the Supreme Court. Many other cases dealing with segregation and desegregation have gone to the Supreme Court but not here. The Senator from North Carolina says we must abort the process because a judge in a particular community has done what the Senator from North Carolina thinks is absolutely wrong.

On occasion, and with great care and restraint, we have overruled a Supreme Court decision. It has never worked out very well, I might point out. Here we are being asked to abort the decisions of district courts and circuit courts because there is dissatisfaction in a community with what a district court does; and under the guise of that we are going to make an effort to redress an unconstitutional and unlawful situation which we have been trying to redress since 1954.

The Charlotte order to which the Senator referred was handed down 2 weeks ago. That is legislating in a hurry.

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

Mr. JAVITS. Mr. President, will the Senator yield to me an additional 5 minutes?

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, no appeal has been noted on that decision nor has a stay been asked for or granted—not even asked for.

Mr. ERVIN. Mr. President, the Senator from New York is totally wrong. They did ask for a stay.

Mr. JAVITS. I am sorry, sir; they could go to the circuit court of appeals.

Mr. ERVIN. At the present time, the judge left the record open to insert more evidence.

Mr. JAVITS. Mr. President, the very recital which the Senator makes now indicates the improvidence of legislating on such a complaint. He is asking Congress to make a universal law as to how it is going to deal with an unconstitutional situation on the set of facts which he has just given us.

I respectfully submit that would be legislating with really a high degree of improvidence.

We know what is going on here. We know exactly what is going on. The people who have opposed desegregation of schools for decades now smell the possibility that they may be able to nullify the whole thing. I do not know whether they are going to get by with it in the Senate or not. They have every right to fight for it and to be as opportunistic as they like. But we, too, see what is going on and we have not only the right but also the duty to oppose it with every ounce of vigor we have and to alert the country over what this could mean to the country. That is what I propose to do in connection with this amendment. I do not think we should cursorily or superficially deal with this amendment in a few minutes of limited debate and then vote it up or down. I do not know what the Senate will do. I think that this is a serious and critical matter and an attempt to abort the law we have today, which has taken so long to bring about.

Frankly, I did not expect this amendment would come up tonight. There is much preparation and thought that must go into dealing with a matter like this and not just what I have been able to think of, really on the spur of the moment; but what is really the basic problem that the Department of Justice would face and that the Department of Health, Education, and Welfare would face.

It seems to me this is a matter deserving of attention at the highest levels of Government before we could be satisfied that all the arguments that should be made had been made about it. It certainly is not the kind of amendment, in my humble judgment, that can be brought up and dealt with in an education bill.

The Senator certainly has an absolute right to raise the matter, even at the end of the day like this. But in my judgment the only thing that dictates pushing this on is the momentum which is thought to have been created by the action on the Stennis amendment and the various efforts to deal with that situation.

I hope very much we will not be precipitated into a vote on this matter, which I do not think would be fair to those who oppose it. I feel it would represent a most improvident piece of legislation and nullify the effort to enforce the guarantee of equal education and opportunity. It is not responsive and it does not represent any excess of power. We compel busing in many cases quite legally and legitimately without any argument about it and we have done so for years. Millions of American children have a better education because they are bused. That demonstrates the principal

for which I contend. There is no magic about busing. What are the conditions and circumstances under which it is required; what are the reasons it is required?

Mr. President, for those reasons I hope very much, first, that the amendment will not be agreed to, and, second, that we will not try to push this matter to some hasty vote tonight before Senators generally can get a clear idea about how serious and profound the issue is.

Mr. ERVIN. Mr. President, I put two statements announcing my intentions on the Senator's desk, one yesterday and one today. Also I sent him a telegram which he should have received this morning. I do not think that my actions are precipitate.

I yield 5 minutes to the Senator from Florida.

Mr. HOLLAND. Mr. President, I thank the Senator from North Carolina.

My friend from New York is an exceedingly clever lawyer. I have heard him erect strawmen and knock them down repeatedly, but I never saw him do a better job than he is attempting to do this afternoon.

He talked about the busing of children which goes on by the hundreds of thousands or millions as if that were done normally in the country under the order of either a Federal court, a Federal department, agency, officer, or employee, and they are the ones affected by this amendment.

There is no effort here whatsoever to withdraw from local school boards or from State school authorities the right to order busing for the various proper, and now nationwide, reasons that are discovered in connection with our schools.

Mr. President, this amendment wholly and solely seems to preserve the jurisdiction of the States and the counties and the school districts and the school board to be the sole persons who will control matters of transportation of children.

My distinguished friend from New York would have the record indicate he thinks this amendment threatens the nationwide program of the transportaton of children in order to set up centralized schools and have better education available for children when he must know that no such thing is the case at all, and that this simply attempts to withdraw or control the jurisdiction of the Federal courts and said departments, meaning, primarily, the Department of Health, Education, and Welfare, agencies, officers, or employees—

from having any jurisdiction or power to require any State or local public school board or any other State or local agency empowered to assign children to public schools to transport any child from one place to another place, or from one school to another school, or from one school district to another school district to alter the racial composition of the student body at any public school.

The whole purpose of this proposed amendment is simply to restrain the Federal agencies from overriding State, local, and district officials who have very properly been given the right, by State law and by their people, to control the transportation of the schoolchildren.

The distinguished Senator from New York has also departed very largely from the custom that was established and the law that was established in his own State covering transportation of students, no later than last year. That law very carefully required that they could not be transported against the will of the parents or guardian, so as to preserve the right of choosing what school their children would attend, and required that neighborhood schools should not be destroyed, and, in every respect retain local jurisdiction. And then, for fear that that would not be well understood, it provided specifically that a local school trustee board, provided the majority of them had been elected, would have the authority to transport the students.

So the Senator from New York has erected a strawman and knocked him down, and a strawman that was not even erected in his own State, because his own State carefully preserved for the local officials selected by their own citizens and by their own neighbors the right to order the transportation of children for the very proper uses that are recognized from one end of this country to the other.

The second strawman erected and very successfully knocked down was by his statement that the adoption of the amendment would undo everything that had been done and would make it impossible for the enforcement of desegregation of schools in the country, and particularly in the South, because that is the place where he has looked to have desegregation.

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

Mr. HOLLAND. May I have 3 minutes?

Mr. ERVIN. I yield 3 minutes to the Senator from Florida.

Mr. HOLLAND. Mr. President, the Senator knows perfectly well that he has exaggerated that statement very greatly. In the little city where the Senator from Florida lives, other methods have been developed by the Department of Health, Education, and Welfare and then ordered into effect by the courts, which do not in any case involve the forced transportation of children.

One of the grandchildren whom I am happy to claim as my own goes to a school that was formerly an all-Negro school in a part of that community, where now only certain grades of both white and colored children are taught, but where formerly the whole scope of public school education, from senior down to the first grade, was covered, and all the children were colored children. Similarly, colored and white children are assembled in a school that used to be altogether white, and in no case does this involve public transportation of children. It just involves different organization of the schools in our little town of perhaps 15,000 people.

In other parts of our State the requirement has been made that school districts must have their lines changed so as to effect a fairer distribution of children by race.

So it is completely fantastic to say that the adoption of this amendment, which solely prohibits the Federal agencies from requiring compulsorily the transportation of children from school to school in order to effect different racial composition or different racial balance will destroy effectively the means which are being practiced, and practiced successfully, to bring about desegregation in the public schools.

I call attention to these matters because sometimes we get so zealous in our causes, sometimes we get so sure that we are right about everything, that we take positions which cannot be supported, as the position of the distinguished Senator from New York cannot be supported upon either of the statements he has made that I have just referred to.

So I hope the amendment will be adopted. The amendment simply prevents the Federal agencies from ordering, whether by court order or departmental order, the transportation of children from their neighborhood schools to some other schools for the sole purpose of bringing about a different distribution of children racially among the several schools. That is all it does. It does not do any more. To the contrary, it leaves completely undisturbed the public jurisdiction of the local agencies and governments and of the local officials elected by the local people to control their schools.

I thank the Senator for yielding to me.

Mr. BYRD of West Virginia. Mr. President, before moving to adjourn, may I ask, for the information of the Senate, what is the pending question.

The PRESIDING OFFICER. The pending question is on the amendment, No. 492, offered by the Senator from North Carolina (Mr. ERVIN).

Mr. BYRD of West Virginia. I thank the Presiding Officer.

ADJOURNMENT UNTIL TOMORROW AT 10:30 O'CLOCK A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10:30 tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 38 minutes p.m.) the Senate adjourned until tomorrow, Thursday, February 19, 1970, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 18, 1970:

DIPLOMATIC AND FOREIGN SERVICE

Findley Burns, Jr., of Florida, a Foreign Service Officer of class one, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ecuador.

TO BE PUBLIC PRINTER

Adolphus Nichols Spence, II, of Virginia, to be Public Printer, vice James L. Harrison.